

STAFFORD COUNTY PLANNING COMMISSION MINUTES

September 21, 2011

The meeting of the Stafford County Planning Commission of Wednesday, September 21, 2011, was called to order at 6:32 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT:

STAFF PRESENT: Harvey, McClendon, Knighting, Baker, Zuraf, Lott and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification for any item on this evening's agenda? Hearing none, is there anyone that wants to make a motion to adopt this evening's agenda as written?

Mr. Rhodes: So moved.

Mr. Mitchell: Second.

Mr. Howard: Any discussion? Hearing none, I'll now call for the vote on adopting this evening's agenda as written. All those in favor of the motion signify by saying aye.

Mr. Hiron: Aye.

Ms. Kirkman: Aye.

Mr. Mitchell: Aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. That brings us to item number 1, which is unfinished business, which is RC1100182, which is the reclassification of the Quantico Corporate Center Hotel. Good evening Mr. Zuraf.

UNFINISHED BUSINESS

1. RC1100182; Reclassification - Quantico Corporate Center Hotel - A proposed reclassification from the M-1, Light Industrial Zoning District to the B-2, Urban Commercial Zoning District, to allow a hotel on Assessor's Parcel 13C-H, consisting of 2.7 acres, located on the south side of Corporate Drive, 700 feet west of Jefferson Davis Highway within the Griffis-Widewater Election District. **(Time Limit: December 6, 2011) Deferred at September 7, 2011 meeting to September 21, 2011)**

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Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf, Principal Planner with the Planning and Zoning Department. Item one is a continuation of the public hearing that was held at your last meeting on September 7, 2011, this is a proposal to rezone parcel 13C-H from the M-1 light industrial zoning district to the B-2, urban commercial zoning district. The site is 2.7 acres in size. The Planning Commission, after the public hearing, deferred action. Some additional issues were requested from the Planning Commission. The Commission requested the applicant modify the proffers to prohibit specific uses, including adult day care center, child care center, and school. And that also includes language regarding sound attenuation to be provided in the building. As a response the applicant did submit amended proffers, they prohibited two of the uses, the adult day care center and school. They did add two additional proffers, proffer number two to incorporate, basically states they would incorporate sound attenuation measures as determined by the hotel sound study that will be conducted. And that also, new proffer number three, which is to incorporate Crime Prevention Through Environmental Design Measures to the maximum extent practical. On the sound attenuation issue I did, previously, between these two meetings, send the Commission information that was forwarded to us by the applicant, through Marriott Corporation, of some of the sound standards that they incorporated into their construction. As you'll remember, they are the intended developer on this site. And then also I did forward some additional sound attenuation criteria that was forwarded to us from staff from Quantico Marine Corps Base, who was present at the last meeting. Also, we did provide the proffers that were associated with the recent reclassification that occurred earlier this year that allowed for the expansion of the Quantico Corporate Center south to Telegraph Road. We provided those to you in your package and then another issue that was requested was additional information on crime data that was a concern that was raised by the Sheriff's Department, and you do have an additional add on in front of you tonight on that. The Sheriff's Department did provide us with some previous, I guess, reports that they ran. There are two separate reports that were included, they do, the two, overlap slightly in time period but they had time enough to provide us with those reports of specific crimes at different hotels in the northern part of the county and southern part of the county. And there also is information, an e-mail and then also notice that was provided by the Sheriff's Department to area hotels. So they felt it was enough of a concern that notice needed to be provided to the area hotels of the situation that was occurring at these hotels. You also did receive a letter that was provided to staff just this afternoon from the specific developer of this hotel. Just basically, I think it's expressing their awareness of the concern with noise at this hotel and their response to the issue. So at that I will turn it back to you, Mr. Chairman.

Mr. Howard: Thank you, Mr. Zuraf. I will bring it back to the Planning Commission to see if there are of questions of staff on item 1 on the agenda.

Ms. Kirkman: Yes, Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Quantico also requested, and I thought the applicant had agreed that the last minute... that last meeting, to proffer out childcare centers. Was that proffered out?

Mr. Zuraf: No, I mentioned that and I guess it was not. The applicant did state... and they're here tonight and they can reiterate their response to that.

Ms. Kirkman: So I thought at the last meeting they said that they would proffer it out for this application but it might appear in other applications.

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Mr. Zuraf: I think you might want to discuss that with the applicant.

Ms. Kirkman: So they did not agree to proffer out childcare centers?

Mr. Zuraf: No, no.

Ms. Kirkman: Okay. And the data we got that was requested because of the Sheriffs would seem to be a somewhat unusual request, to put surveillance cameras in the parking lot? And can you give us some context for this data? Like, we have the number of incidents, but how does it compare at hotels? That was part of the question, like, do we need to put surveillance cameras everywhere, is there something unique to hotels? I'm trying to understand the data in that way.

Mr. Zuraf: Yeah, my understanding is just that, well, we just got the data and no, we did not specifically request any kind of comparison or addition. You know, basically, what I, the way I take this is that they are, and given the information provided to us, that there was enough of a concern from the Sheriff's Department. And without, I guess, getting any, any, I guess, other numbers to compare it to, you know, other, you know, past timeframes, I guess, is what you're maybe getting at.

Ms. Kirkman: Well, or other settings. Like, it just seems a bit intrusive, honestly, to be putting surveillance cameras everywhere and I'm trying to understand why this location in particular and was looking for some data as to, like, are hotel parking lots more subject to these vandalism incidents than other types of parking lots or residences or any other type of setting.

Mr. Zuraf: I can only guess that the hotels are in more commercial settings and, where maybe, typically, people would leave, you know, if it's a typical retail area, cars are gone, you know, at night, overnight. But the hotels, the cars are in the parking lots overnight and there are no other residents in the area, so that might be, and I'm just guessing at that.

Ms. Kirkman: And then lastly, regarding the discussions regarding the traffic impact analysis, I believe you and Mr. Harvey were a part to the telephone calls that we had with the applicant on the last Quantico Corporate Center rezoning. And the issue there was that based on the traffic impact analysis, VDOT had recommended a third access point, which the applicant was certainly willing to construct, but there was an issue of the property owner not being willing to sell. So it looked as though the only way that would happen was through eminent domain. To try and avoid that use of eminent domain, we requested that the applicant do some modeling of what traffic improvements could be done to mitigate the traffic impacts assuming that there was no third access point. Does that sound about like the discussion we had?

Mr. Zuraf: Yes.

Ms. Kirkman: And was that modeling... and the majority on the Board passed that rezoning on to the Board without having that information in hand. Was that modeling ever done?

Mr. Zuraf: No, it was not.

Ms. Kirkman: And have we gotten any indications that the owner is now willing to sell that property?

Mr. Zuraf: Not to my knowledge, no.

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Ms. Kirkman: Okay. And then I did want to ask the County Attorney, I believe there's been some changes in the Virginia Statute regarding eminent domain and the standards for it, is that correct?

Ms. McClendon: Well currently they're looking at a constitutional amendment and it has to go through the General Assembly in two separate sessions. So there has... it has been through the first session. It needs to go through a second session and be voted on by the voters before those changes can take effect.

Ms. Kirkman: And what would those changes constitute?

Ms. McClendon: There are several changes. Right now, the constitution provides that there is public use, but it's defined by the General Assembly. Under the proposed constitutional amendment, it will have public use defined by a public service company, public service corporations and railroads for authorized provisions of utilities, common carrier and railroad services. Uses that will not be for the public are private gain, private benefit, private enterprise, increased jobs, increased tax revenue, or economic development.

Ms. Kirkman: So really a response to key low in a lot of ways.

Ms. McClendon: That's what it would seem so, yes.

Ms. Kirkman: All right, thank you.

Mr. Howard: Okay, any other questions? Ms. Hazard.

Mrs. Hazard: Yes. I know that we have talked about, I guess it's proffer number 2, and it says the owner agrees to incorporate sound attenuation measures as determined by the proposed hotel sound study. Forgive me, but what are the parameters of this proposed hotel sound study and, I guess my follow-on to that is when the proposed hotel study, is that going to be then incorporated in some way in the proffers so if there's ever a change of hands of the hotel or something changes, that we know what they're... what any future applicant would be, or, I mean successor in interest would be potentially agreeing to? Is that clear?

Mr. Zuraf: Yes, the parameters of the sound study, they're not specified at all in the proffers, so it is, I guess, an unknown.

Ms. Kirkman: Mr. Chair?

Mr. Zuraf: We did receive some information to that effect as to what's intended, but it's not specified in the proffers.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Yeah, I did want to say that I had some communications with Marriott and they forwarded to me what they do in terms of these sound studies, and I forwarded that to Mr. Hundley. And he felt satisfied that that would meet the concerns of Quantico, and the primary concern was to

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make sure that the hotel was clearly aware of the potential impact. So I have to say on that particular issue, I feel like that's been resolved satisfactorily.

Mrs. Hazard: Would you say that we have enough notice within these parameters so that any, if, let's say it falls apart with Marriott, somebody knows what they're supposed to be doing. That was my concern, but if you're satisfied, I defer.

Ms. Kirkman: Yeah, I guess my concern is I don't think anybody in Stafford really gets adequate notice of the, particularly the vibra... it's not so much the sound, it's the vibration impact. But I... we've been through that issue so many times and don't seem to have any resources right now to mitigate that.

Mr. Howard: I think it would also be fair to say that most of what Marriott would have to do would have to take place during the construction of the building, so even if there's a change in ownership or something happens, that building, in terms of how it's constructed, would, I don't think would change.

Ms. Hazard: So the clarification is that the proposed hotel study is done by the hotel, not by the County. I'm just trying to make sure I understand.

Ms. Kirkman: Oh, I didn't know that that was... the issue that I recall regarding the sound study was what it was... not who did it, but what did it address.

Mr. Howard: Consistent of.

Ms. Kirkman: Yes.

Mrs. Hazard: Okay. I just was trying to clarify it for myself, of who was doing what, so I just didn't think the proffer was particularly clear, but if it's clear to everybody but me then I defer.

Mr. Howard: Okay, thank you. Any other questions for staff while we have staff here? Okay, at this time we'll bring the applicant up and see if there are any questions or any other additional comments from the applicant.

Mr. Shalaby: Good evening Mr. Chairman and members of the Planning Commission. My name is Samer Shalaby. I'm with Development Consulting Services and I'm here representing the Quantico Corporate Center. If I may just kind of make a couple quick comments on some of the things I heard and then I'll be glad to answer any questions. Regarding the sound attenuation, kind of like Ms. Kirkman said, we had some... a lot of follow-up discussion with the Marriott people and that's the reason why they send us those standards. What they do is they look at it from the sound decibels in the rooms and the hallways and the conference areas. So they kind of limit or control what the level of sound and vibration they have and then they build everything around that. So that's the reason why they send us those, I guess, specifications if you call it that. And then what happens is, depends on the study that they do, which is basically investigating the amount of sound, they transfer that into the construction, basically, to be able to meet those standards. So hopefully that should not be an issue. With regard to the childcare, I will comment back on that. I did, last meeting, I did say as far as I was concerned, if that was a concern, we'd take it out. However, I did stress also that we've had a lot of demand for having childcare at Quantico Corporate Center, that we wanted to do that. And as we were talking about it with the partnership afterwards, about eliminating that there was a concern if we took it

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out here, that we're basically setting the precedent to say that we're not going to put childcare in the whole Center and that would kind of, you know, if we come back later on they're going to say well you proffered to eliminate it here, so why are you putting it in the facility. So that's the reason why we came back and thought maybe if we eliminated that from this particular item. Not, again, that this will be built on this parcel but we just did not want to have the precedent set that we are eliminating childcare from the overall Quantico Corporate Center. So that's the reason why that was at least left in there. With regard to the cameras, again we've had some follow-up discussion with the Marriott people and like Ms. Kirkman said, they do have a little concern because it's that they can't secure the parking lot. Cameras sometime give a false sense of security; people say, oh, there's a camera... that means everybody's watching everybody. And it doesn't quite work that way, so they have more concerns that while they have cameras inside the building and they secure the inside, they did not want to have too many cameras outside that, number one, tell the general public that this is an unsafe area, that we have all these cameras, and that deters people from coming. Or again, the false sense of security, people think that there are people watching 24 hours, that way they can be less vigilant on their own selves and watching out. So that's the reason why they do not do that. And I got a copy of the statistics that I guess you got, too, and again I'll just say general comments since we've developed some other shopping centers and other places that do have hotels, a lot of times you will find issues with the hotels that are right off the interstate, because again they become, quote easy targets. People that are traveling on 95, they can hop off the interstate, go into the parking lot of a hotel, unfortunately do, if they want to do something, not necessarily the right thing, and then they take off and leave because it's quick access to the interstate. In our case, we're hoping that that's not going to be the issue because it is tucked away into an office park, it's not quite sitting on the interstate like you would at some of the other hotels that are right off the ramps, but again, you know, obviously it's something to be aware of. I guess that's, that's kind of the general questions, I just tried to answer some of the things and if there's anything else I'd be glad to...

Mr. Howard: Thank you. I'll bring it back to the Planning Commission. Are there any questions of the applicant at this time? Ms. Kirkman.

Ms. Kirkman: Yes. Your group has been involved in all these Quantico Corporate Center developments, so you're aware of the discussions regarding the third access point...

Mr. Shalaby: Yes.

Ms. Kirkman: ... and the acquisition of right-of-way for that? And I guess at this point I want to know how come the modeling of what transportation improvements would be needed absent a third access point, why that wasn't done.

Mr. Shalaby: I will try to answer that. We've been working on trying to get that third access through that particular parcel since 2004. And I was personally involved in that quite a bit. And we've been going back and forth and the reason, again, we actually even came up with the Telegraph Road extension and going that side was to allow for another relief access to the project so it's not just a one-way in and get stuck in there. And basically we're buying time. We recognize that there has to be a third entrance at some point coming back out to Route 1. And prior to this project being complete... we looked at the modeling, some discussions, the parameters, and I guess John Riley from Kimley actually from Bowman right now, it used to be Kimley-Horn, he's our traffic engineer, is here. We looked at a lot of different options and basically realized that we would be analyzing and analyzing, there's really no set answer to come up with at the end because we know if Quantico Corporate Center

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is completely built out, per the plan, and there's no third access, it's going to fail. The roadways will not handle it. So where do you put the alternatives? And that's why we basically said that doesn't make any sense. What we need to do is to focus on trying to get the right-of-way, trying to mitigate all the different impacts we can do, you know, on Route 1, on Telegraph Road, on the project itself, and hopefully, prior to getting to that point, we'll be able to succeed in getting the right-of-way. So that's the reason why it was not specifically done, there was no real way to come up with a plan or a program to analyze it.

Ms. Kirkman: Alright, could your engineer step forward?

Mr. Shalaby: Sure.

Mr. Howard: Ms. Kirkman has a question for the engineer.

Mr. Riley: John Riley with Bowman Consulting. Good evening.

Ms. Kirkman: Yes, I'm still not understanding why it's not possible to model out what improvements, absent a third access point, would help mitigate the impact of the combined Quantico Center development.

Mr. Riley: Well, I think any analysis is possible, but I'd have to take direction from my client and I think during the discussions at the time, the applicant of the previous proposal saw fit that the scenario one and two, that we conducted, and I have a previous copy, this is the February 17th study, that those were sufficient for their needs at the time. I can and have some prepared comments with respect to this case if you'd like to hear them, in this proposed hotel zoning, but other than that I don't have anything else to offer, unfortunately, on your question.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Are there any other questions for the applicant, or the engineer?

Ms. Kirkman: For the applicant.

Mr. Howard: If you'd like to just tell us your comments...

Mr. Riley: Sure.

Mr. Howard: ... that would be appropriate at this time.

Mr. Riley: Well, the hotel use is complementary, in many ways, to the overall development. It actually generates slightly more daily traffic but less peak-hour traffic, just the nature of hotel versus office. So the conversion from an office use to this proposed hotel use tends to flatten out to AM and PM peaks and spread the additional traffic to the off-peak periods which, in effect, whether by accident or on purpose is a better way of utilizing the infrastructure. We're getting more traffic out on the roads and a use that actually generates more traffic but it's spread out in a better manner, in a way that brings the peak hours down. Hopefully that makes sense. And the use also balances out the ins and outs during the peaks, while the previous use was office and tends to generate almost 80 percent inbound trips in the morning, and probably about 70 percent out in the evening. The proposed use tends to

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balance that out, so a hotel, for example, sending more people out in the morning than in. So in effect we bringing the peaks down and then also rebalancing those peaks and getting a little better use out of the entrances in and out of the development. So I wanted to point those things out. They're subtle, but they have an overall positive impact on the overall Quantico Corporate Center development and the traffic coming in and out. We also have a driveway that aligns with a future driveway opposite ours, so our internal access is as good as it can be in terms of spacing of entrances and coordinating entrances with other driveways. And that's all I have.

Mr. Howard: Thank you.

Mr. Riley: Sure.

Mr. Howard: Okay, I'll bring it back to the Planning Commission for further discussion.

Ms. Kirkman: Yes, could the applicant step forward again?

Mr. Howard: Sure.

Ms. Kirkman: So I need to know... at this point, are you willing to proffer out childcare centers on this application?

Mr. Shalaby: Again, at this time we'd prefer not to just because not setting a precedent, if it's, the Board or the Planning Commission says that that's the only way they'll approve it, then obviously we'll consider that, but because, again, we do hope that we'd be able to put a childcare somewhere at Quantico Corporate Center. We just feel like it's not necessary at this time but we'd prefer not to do it at this time and leave it in there.

Ms. Kirkman: So we can't impose proffers. We can ask that you voluntarily make them and I'm asking are you willing to voluntarily...

Mr. Shalaby: At this time I would like to keep childcare in there, yes.

Ms. Kirkman: You would like to keep childcare in there, so you're not willing to proffer out the childcare center...

Mr. Shalaby: That is correct.

Ms. Kirkman: ... as Mr. Hundley from Quantico has recommended.

Mr. Shalaby: That is correct.

Ms. Kirkman: Alright, thank you.

Mr. Shalaby: Thank you.

Mr. Howard: Okay, any additional information from the applicant at this time? No? Thank you.

Mr. Shalaby: Thank you.

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Mr. Howard: I appreciate that. I'll bring it back to the Planning Commission now for discussion. Ms. Kirkman, I think this is in your magisterial district.

Ms. Kirkman: Yes. Mr. Chair, I want to say I think overall we all support the Quantico Corporate Center. It's one of the bright... few bright spots in Stafford County economic development. I remain concerned that the application still does not address all the concerns raised by Quantico and I remain concerned about the traffic situation. Excuse me, Mr. Chair, was there something? I continue to remain concerned regarding the traffic impacts and the fact that the third access point is very much in the air. Rather than make a motion for recommendation of denial, I would like to make a recommendation to defer this to our next meeting to see if we can continue to work with the applicant to reach something that we can all support.

Mr. Fields: Second.

Mr. Howard: Okay. So the motion is to defer reclassification of Quantico Corporate Center, seconded by Mr. Fields. We have discussion now. Ms. Kirkman?

Ms. Kirkman: Mr. Chair, I made that because I do, I think Quantico's expressed a very valid concern about the childcare center issue and what gets placed within their encroachment areas. And secondly I just want to repeat, again, even the applicant has said that the roads cannot handle the full development of Quantico Corporate Center without a third access point and we don't have a resolution to that. The last time this Commission moved rezoning for Quantico Corporate Center forward without that being resolved, it still didn't get resolved at the Board level. I'd really like to see it resolved here before it moves on to the Board and that's why I made a recommendation for deferral to our next meeting.

Mr. Howard: Mr. Fields, you have the second comment.

Mr. Fields: Just I support Ms. Kirkman's endeavor. I'm also concerned that we get some resolution to the traffic. I think we all agree that this is a... Marriott, of course, is an outstanding corporation. Courtyard is a great hotel, they always do a good job. But sifting through this traffic thing is difficult as it is, I don't want to seem like I'm being obstructionist, but trying to get a handle on this traffic is really, really important, so if it takes a couple more weeks and we can come out a little bit ahead of the game, I think it's worth it.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, I will not vote for deferral. I don't think there's a need to further... we're not going to solve the third access point in two weeks. That's something they clearly have been working hard at and it's going to take a longer time to address that issue. The childcare, I think, makes perfect sense in an office-park setting. It's a service to the folks who... it's an attraction to have a positive environment to be able to work in. I think at whatever point in time they're able, they have the demand to be able to develop that it's going to be a positive complement to the development. I believe we want to try and support Quantico where we can, but that is not... everything that's on their list doesn't have to be satisfied in order to go forward for the best interests of the county. Thank you, Mr. Chairman.

Mr. Howard: Mr. Mitchell?

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Mr. Mitchell: Mr. Chairman, I will not support the motion to defer. Like Mr. Rhodes, we're not going to solve it in two weeks. This, like Mr. Shalaby said, this is something that's been working on since 2004, I believe I've quoted that correctly. I think it will happen, I think it must happen, but I do not believe it's going to happen in the next two weeks to 30 days. I will not be able to support the motion for delay.

Mr. Howard: For deferral. Mrs. Hazard?

Mrs. Hazard: I guess I was just going to make the comment that from our staff report it says that the modified proffers were sent to Marine Corps Base Quantico and they responded that the amended proffers comply with their requirements. And clearly the childcare was missing and according to this they were okay with it. I mean I don't have a letter to that effect, but that is what our staff report indicated.

Mr. Howard: Thank you. Mr. Hirons, you haven't commented yet I don't know if you have a comment.

Mr. Hirons: I'll defer my comments.

Mr. Howard: Okay. My comment will just be that I am sort of in the camp of Mr. Rhodes. I'm not sure I understand... I certainly understand and respect Ms. Kirkman's desire to have that traffic studied and make every attempt possible to get that third access point. If the applicant owned the property for the third access point I think, you know, a two-week delay would make a lot of sense to work through those details. That, as far as I know, is not the case and could drag on for quite some time, so to delay this another two weeks in effect actually delays it until January or past January, because we're in an election cycle and so on and so forth. And yet again, that's not a reason to not defer, either, just for the record. But in this case I think there's been a lot of hard work and effort exhausted to meet all of the requests and in recognizing you've met 90 to 95 percent of what's been asked. I don't feel there's a need, or it is in the best interests of Stafford County to defer this application at this time.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes, Ms. Kirkman?

Ms. Kirkman: First off, I do want to point out that the Planning Commission alone has until December 6th on this application, so really I don't see any need to rush it through. And secondly, there seems to be some misunderstanding of what I'm asking us to work out with the applicant. I'm not asking the applicant to work out, prior to this going to the Board, the third access point. I don't think that can be done within the timeframe of December 6, in fact I think if the constitutional amendment regarding eminent domain passes, it's highly unlikely it will happen, period. What I am asking of the applicant, though, is to look at... let's assume that third access point never gets built. What traffic improvements are needed to then mitigate, as much as possible, the traffic impacts? And that is the piece that I do believe could very easily be worked out in the next several weeks.

Mr. Howard: Thank you; any other comments? Hearing none, no one motioning, I'll now call the vote. All those in favor of item number RC1100182, Reclassification of Quantico Corporate Center hotel to the next meeting, signify by saying aye.

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Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed nay?

Mrs. Hazard: Nay.

Mr. Rhodes: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. I think that was a 5-2. Okay, the motion did not carry, 5 to 2.

Ms. Kirkman: Mr. Chair, in the absence of that motion passing, at this time I regret I'm going to have to make a motion to recommend denial to the Board of Supervisors and again, primarily because this traffic issue has not been worked out.

Mr. Fields: Second.

Mr. Howard: Ms. Kirkman, you have the floor.

Ms. Kirkman: You know, folks, this is a reasonable thing to expect of an applicant, that you look at the possible scenarios and get it worked out, and that's not being done here. This application is being rushed through, we have until December 6th, the traffic piece could be worked out. And that is my concern. Additionally, Quantico very clearly specified that they did not want childcare in there, and that's still in there. So those are my two reasons for making the recommendation for denial.

Mr. Howard: Thank you. Mr. Fields.

Mr. Fields: Nothing further to add.

Mr. Mitchell: Mr. Chairman?

Mr. Howard: Mr. Mitchell.

Mr. Mitchell: I'd like to make a substitute motion.

Mr. Howard: Okay.

Mr. Mitchell: My substitute motion is for approval of RC1100182, Reclassification of Quantico Corporate Center Hotel.

Mr. Rhodes: Second.

Mr. Howard: Discussion? Mr. Mitchell, you have a right to have a comment.

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Mr. Mitchell: And I appreciate that. Mr. Chairman, I do not see a solid reason, a solid, strong reason... every day, every week, every month we delay projects such as these, you don't just delay the project, you could have people working there drawing a salary. You could have people working close. You could have tax revenue. You could have the transient occupancy tax. Just delaying it two weeks, we lose out; at some point when the hotel opens we lose out on that many weeks of transient occupancy tax. There are so many positives. There will be a maintenance crew that will upkeep the building and keep the HVAC, keep the water, keep the electric, you know, keep the sewer, everything in good working system. It not only affects the project, it affects people, salaries, jobs, and taxes that this county sorely needs, so I'll be supporting my own motion.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Nothing further, Sir.

Mr. Howard: Any other discussion from any Commissioners? I would just add that there was a study done a few years ago, and based on that study certain decisions were made in this particular development. Should the study be updated, to Ms. Kirkman's point, and possibly consider the fact that there may never be a third access point? I suppose that should occur. And I believe that that will have to occur as the build-out continues to occur at Quantico Corporate Center. Additionally, you did hear the applicant's engineer explain to us that the traffic patterns change, maybe not dramatically, but absolutely change in real terms of when the peak periods occur based on the usage and utilization of the hotel versus an office complex, which was previously slated for this particular part of the parcel. So I do respect and appreciate Ms. Kirkman's comments and I do think at some point you are going to have to step up and absolutely make sure that you've considered all alternatives, to include the possibility that that third access point will not exist, and in such case be willing to proffer either some funding or some way to mitigate as many of those obstacles as you possibly can as this thing moves forward. But I'm not sure that that can be done in this period of time for the particular hotel. And the fact that the hotel, you know, is different usage and it has a different traffic pattern I'm inclined to support Mr. Mitchell's motion. All those in favor of the motion before us, signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you. That brings us to item number 2, which is the Zoning Ordinance Amendment Wetland Mitigation Bank, which we have been working on for some time. And I'm not sure... actually there was some information in our packet this wasn't one of the items... hey, how are ya?

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2. Zoning Ordinance Amendment; Wetland Mitigation Bank (**History - Deferred at July 13, 2011 Meeting to September 7, 2011) (Deferred at September 7, 2011 meeting to September 21, 2011)**)

Mr. Lott: Good evening, Mr. Chairman, members of the Planning Commission. My name is Michael Lott; I'm an environmental planner with Planning and Zoning. I'm just here briefly to talk about the proposed amendment to the zoning ordinance regarding the wetland mitigation bank. As you remember, the Board passed a motion rescinding Resolution R11-117, which originally forwarded the proposed Ordinance O11-26 to the Planning Commission for consideration. In response, Falling Springs, in a letter dated July 15th, 2011, requested that the Board and Planning Commission reconsider amending the zoning ordinance to allow wetland mitigation banks as a by-right activity within the A-1 and A-2 zoning districts. Staff continues to support O11-26 for a number of reasons. First, all proposed wetland mitigation banks undergo a rigorous review by the interagency review team and are held to the performance standards identified in the mitigation banking instrument. Staff also believes that the stream and wetland restoration, enhancement, and preservation associated with wetland mitigation banks will have a beneficial impact on the water quality of Stafford County as well as wetland habitats within the county. Finally, the comprehensive plan recommends that environmentally sensitive lands be protected by the establishment of conservation easements, and conservation easements are an integral part of wetland mitigation banks. Also just briefly, just to touch on how adjacent jurisdictions handle this issue, Loudoun County did revise their zoning ordinance to allow wetland mitigation banks as a by-right activity within several of their agricultural and rural zoning districts. The Zoning Administrators of Culpeper, King George, Fauquier and Prince William counties allowed wetland mitigation banks, determined that they were compatible with agricultural uses and therefore were allowed as by-right uses within agricultural zoning districts. Spotsylvania County does require conditional use permits for wetland mitigation banks but would allow them in all of the different zoning categories. And finally, staff recommends that the Planning Commission request that the Board reconsider referral of O11-26, which would allow wetland mitigation banks as a by-right use in A-1 and A-2 zoning districts.

Mr. Howard: Thank you Mr. Lott. So Spotsylvania County allows through the use of a CUP though. Is that correct?

Mr. Lott: They're the only one that I can find within our local area or within the state that I could find that requires a CUP. I did speak with Richard Street who is their environmental engineer over why they went that route, and the only real explanation I got was that prior to sort of the more emphasis on wetland mitigation banks, there was more of an... each project tended to have on-site mitigation or they would, you know, do a mitigation project within the county somewhere and they felt like those individual projects were popping up all over the place and they weren't necessarily overseeing them very much. And I think with that experience, sort of went over into wetland mitigation banks. That was the only real explanation I got.

Mr. Howard: When did Loudoun adopt the by-right in their agricultural zoning?

Mr. Lott: I know they've had banks for the past decade, so I would assume it was within the early 2000s.

Mr. Howard: Okay. Alright, are there any additional questions of Mr. Lott from...

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Mr. Hirons: Mr. Chair, I was actually just going to ask a similar question to what you just asked.

Mr. Howard: Mr. Hirons, is your mic on?

Mr. Hirons: Hopefully.

Mr. Howard: Okay. I couldn't hear you.

Mr. Hirons: Did Spotsylvania ever consider an ordinance like this or a by-right use or has it always just been CUP and they just never took it up?

Mr. Lott: I don't know if they just... to be honest, I'm not a hundred percent sure. I know they don't have any wetland mitigation banks within the county, I don't know that anybody's ever requested a change to their zoning ordinance. That's just currently how it is.

Mr. Hirons: Alright. Thanks.

Mr. Lott: I mean I know that, within the ordinance they do... their zoning ordinance is listed as requiring a CUP, within their zoning ordinance, so at some point they must've changed it to require that.

Mr. Howard: Yes, Mr. Fields.

Mr. Fields: Can you characterize... I mean I'm not asking you for a verbatim transcript but could you characterize the dialogue among the staff regarding, in your own internal decision making process, of the by-right versus the CUP. Because I think that's really kind of what the... I don't think anybody... that gets to be really more of the crux of the issue, I don't think anybody thinks that a wetland mitigation bank is a bad idea, per se, it's a question of lacking a CUP, do you feel that federal, state, and local regs that are in place are completely adequate to always ensure that this is done in exactly the most beneficial manner. And how did you guys sort of... pros and cons and sort that out?

Mr. Lott: I think we were mostly looking at it... me as an environmental planner was looking more at it as, you know, from just the benefit to the county. In terms of the water quality, reestablishing buffers along streams that have lost, restoring wetland areas that have been lost to the county and considering, you know, looking at it with respect to the comprehensive plan and the Chesapeake Bay Act, which promotes, you know, the restoration of RPA buffers where they'd been lost. But I know from talking with, you know, the Corps representative of Stafford County, I do understand that they do go under a very rigorous review by the interagency review team. Also in our discussions with staff, we honestly couldn't consider, or I... we could not come up with a condition that we thought would be anything beyond what would be already required, you know, within their mitigation banking instrument. So I think overall, staff just felt like that the benefits to the water quality in Stafford County just outweighed any worries that we had.

Mr. Fields: So just to reiterate, and I understand that, I think, and I guess I certainly want to be clear, that's certainly never been my question, obviously the benefits to the water quality are what we're always trying to get at here with almost anything. But just to get back to kind of clarify or reemphasize your point, you felt that if you had a conditional use permit, if you looked at the entire list

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of steps they had to undergo to create this, you couldn't really come up with a unique condition other than simply to be reiterating conditions that already exist in the federal and state review.

Mr. Lott: Yeah, pretty much.

Mr. Fields: So, like, you can't think of a uniquely local circumstance or uniquely local set of situations that might require a little bit of ability for the county to shape, direct, or do that, that isn't already going to occur? You know, I'm not trying to put you on the spot, you know, I'm just trying to get it at the... we want to be sure we understand. Because we're not, unlike you, we don't enjoy the benefit of a fabulous education in environmental engineering, so...

Mr. Lott: No, I didn't really see any particular conditions. I mean, I know there were concerns at the Board level about, perhaps a bank being located in a place where the county may have future infrastructure considerations, either roads or what have you. But I do think there are ways to handle that within the banking instrument and the deed that's recorded if that ever became a conflict. Other than that, no, I wasn't too concerned.

Mr. Fields: Thank you very much.

Mr. Howard: Are there any other questions for Mr. Lott? Ms. Hazard.

Mrs. Hazard: I guess just something that you stated and I just wanted to clarify that right now there are no wetland mitigation banks in Spotsylvania? Is that your understanding?

Mr. Lott: As far as I know there are not. Or in Stafford County...

Mrs. Hazard: Right.

Mr. Lott: Well, we have this one and actually, from what I understand there's a second one that's being advertised that the landfill property has been looking at. I believe that is being advertised now for public comment.

Mrs. Hazard: And your understanding is, they are in Loudoun or several of these other counties? I'm just trying to see, I mean, I think part of my analysis is the instrument that we, whichever we choose, is it a disincentive or an incentive? And sort of saying that the CUP with some of the, perhaps some of the comments that the applicant were valid. That the CUP maybe is a disincentive since we don't have any in... and I'm not saying that, I mean I'm not a statistician but it was just a comment that when you said that, that did stick in my mind, so...

Mr. Lott: I mean I know that other counties... Loudoun, Culpeper, Fauquier, Prince William... all have established wetland mitigation banks. Whether that's because the process is easier there I couldn't answer. There could be good sites there and that's why they were chosen, for whatever reason, but certainly I don't think it's an incentive to add one more step to the process, considering that the process they go through is a multi-year process as it is, so...

Mr. Howard: Any other questions for Mr. Lott?

Mr. Fields: Sure, I do that...

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Mr. Howard: Mr. Fields?

Mr. Fields: ... we probably talked about this, and forgive me if I've forgotten the answer to it, but if you have a large agricultural property that already has a conservation easement on it, can you have a wetlands mitigation bank put on that property if it already has a conservation easement?

Mr. Lott: I would assume so, unless there was something specific...

Mr. Fields: Because conservation easement...

Mr. Lott: ... in the deed that would prohibit that,

Mr. Fields: ... allows... right, uh huh.

Mr. Lott: ... you know, I don't see why that be a problem. I know for example the bank that's going through the process currently now, they could consider putting a VOF easement over the property as well if they chose to do so. Look at the tax benefits of doing that. But I don't see, you know, what would, you know, having an easement there would prevent them from doing this unless...

Mr. Fields: I'm just wondering...

Mr. Lott: there was something specific in the deed.

Mr. Fields: ... if you knew, particularly so let's say in the Fauquier banks, because a significant amount of Fauquier agricultural land is in conservation easement, I think 30-some percent or something like that... quite a bit. And I just wondered if some of those large easement holders saw this as an opportunity to utilize their land in a different way without it conflicting against them, so that's why I was...did you have... I'm sorry, Mr. Harvey.

Mr. Harvey: Yes, Mr. Fields I was going to...

Mr. Howard: Mr. Harvey?

Mr. Harvey: ... comment that in our dealings with the Corps of Engineers with development projects, they don't allow people to take double credit, so I'm not sure if that's the way your question was geared towards, but if someone has a conservation easement that's already protecting the land from development, I would assume that the Corps would apply the same rule, that they're not going to allow you to get credit for wetlands mitigation if you're already preserving that wetland area.

Mr. Lott: But I think... for preservation, I think that would be true, but I think, you know, for enhancement, restoration, you know, I mean, they may have an easement on it that protects the property but there still could be opportunities to go over there and restore streams and wetlands and what not. I think they could, you know, I don't think the Corps would have an issue with that.

Mr. Fields: I'm kind of getting that, I mean, the wetland mitigation bank, as good a project as it is, but it is a for profit venture. Right, and so that's what I'm saying, can a person with a conservation easement then, because the conservation easement, I mean, as we all know, this is certainly my understanding of it is, it's preventing certain uses of the land but the whole reason why it's even

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marginally attractive, of course, is you can still farm and timber your land with a... you're still conserving it, you know. You can still get profitable uses off of your land, they're just agricultural in nature, they're not developmental in nature and so could a person that had a conservation easement, is this something that's appealing to them? Could they then, obviously, the company that's doing this is going to give them some compensation for that land and so, is that a financial use of land that's in a conservation easement that could occur? Nothing untoward, just wondering. I'm not concerned, it's not quite an environmental question, it's more an economic question.

Mr. Lott: Again I can't say specifically...

Mr. Fields: Okay,

Mr. Lott: ... but I don't really, I don't believe it would be an issue.

Mr. Fields: Okay.

Mr. Howard: I also think we'll have time to vet through that if in fact we want to continue this. I do recall the applicant indicating to us that one example they used was if the land had just been forested, you could forget it. The Army Corps of Engineers is going to visit the site and probably tell you to call us back in ten years or more, you know, when some of the growth has rehabilitated itself and started to grow again. So it seemed to me, my recollection is there are a lot of parameters and a lot of rules around site selection, and then there was a lot of criteria and performance metrics you had to meet along the way so as you began to, you know, improve and mitigate some of the environmental issues that had occurred over a period of time, they would come back and sort of give you a grade again and let you know if you had more allocations or not.

Mr. Lott: Yes.

Mr. Howard: And allow you to build a bank or hold your bank, until such time that property was, in their opinion, ready to be included in the wetlands mitigation bank. So it really seemed like there's a lot of rules and restrictions, which I think is where you were coming from when you said I'm not sure putting a CUP on this improves that. Is that... I don't want to speak for you, but that was...

Mr. Lott: Yes.

Mr. Howard: Okay.

Mr. Lott: That's what I was getting at.

Ms. Kirkman: So...

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: ... if wetland mitigation banks were by-right use, would the property owner need to submit a site plan before the restoration projects commence?

Mr. Lott: That's how we've envisioned it, is that they would be required, you know, for any grading or land disturbance beyond 2,500 square feet, you know, that requires going through the counties, you

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know, grading, plan review with our department and grading permits through code enforcement. That's how we...

Ms. Kirkman: But that's only if there's grading.

Mr. Lott: That's, yeah. If they're just planting trees and what not and they're not actually disturbing soil, then no we would not really have any consideration for that, but I think generally to do this, what they're doing to restore the stream, you know, that's been disturbed for so long out there, there will be in excess of 2,500 square feet of grading that would be required to, sort of mitigate what's happened out there in the past.

Ms. Kirkman: And the reason why I'm asking these questions is it does seem like we, you know, at a minimum, want some mechanism to know... for the county to somehow be involved in the project. And it's not clear to me how that happens now and one of the reasons why I think it's important for the county to be involved is one concern I have is based on the conversation we had with the Commissioner of Revenue. Essentially what this will do for certain parcels is wetlands used to be a reason that you would go to the Commissioner of Revenue and say, This is why my property should be assessed at a lower value, should be tax-assessed, is because it has these wetlands, they're not buildable, yadda, yadda, yadda, so therefore it should be a lower tax rate, tax value. With the development that's going on this could actually create commercial value for wetlands, and yet from what the Commissioner of Revenue said, there's no way to capture that value in terms of property taxes. And certainly we don't know if it's happening, there never will be a way to do that. So that's one of the reasons why I'm concerned about there being some mechanism for the county to be involved.

Mr. Lott: Yeah, we did, you know, obviously worked with the Commissioner of Revenue in those discussions early on in the process and I can't remember verbatim, you know, the memo he wrote that we submitted to you back then in April or May. I know he did speak with other Commissioners from other counties and they didn't, you know, say that there were any increases in property values associated with wetland mitigation banks that they were aware of at the time. I'm not sure if there's been any detailed studies on that, but I think to do that would be difficult just because every property's so unique, you know, in terms of how you would assess, you know, unless you sent somebody out to study the entire...

Mr. Howard: Well there's also the reciprocal of that, would there be decreases in tax collection on the county's part, right, which I think is one of the questions as well. So that would be a concern. I would be interested to know how does Loudoun County handle that? Has it occurred and...

Mr. Lott: That's certainly something we could ask.

Mr. Howard: Right. I think that's some homework that we probably want to have completed. So, any other questions for Mr. Lott while he's here? Okay, hearing none I'll bring it back to the Planning Commission for further discussion.

Mr. Rhodes: Mr. Chairman.

Mr. Howard: Yes, Mr. Rhodes.

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Mr. Rhodes: I make a motion that the Planning Commission request that the Board of Supervisors reconsider the referral of O11-26 in order to allow wetland mitigation banks as a by-right use in A-1/A-2 zoning districts, to refer it back to the Planning Commission.

Mr. Mitchell: Second.

Mr. Howard: Discussion? You have the first...

Mr. Rhodes: No, no further.

Mr. Howard: Mr. Mitchell?

Mr. Mitchell: None, sir.

Mr. Howard: I actually think we probably should revisit it just to vet it a little further. Myself, I think that's a good motion and I'll support that. I believe that there's a lot of homework to do yet. I don't think it's ready for prime time, as they say. But certainly very thought provoking and very interesting concept, and could ultimately, in the long run, help Stafford County improve its water quality, so... But I'm not sure. Mr. Fields, do you have a comment? I saw your microphone lit.

Mr. Fields: Oh I'm sorry.

Mr. Howard: Oh, that's all right. Any other comments? Ms. Kirkman?

Ms. Kirkman: Yes, I actually have a question of staff. I think one of the primary objections that was raised to the CUP process was the fee, because the fee is based on acreage and these projects, the best of them are large-acreage projects. Would it be possible to establish a separate CUP fee just for wetland mitigation banks?

Mr. Lott: I'll have to defer to Jeff on that.

Mr. Harvey: Yes, that is possible. The Board can establish reasonable fees for any types of applications.

Ms. Kirkman: And so because this in fact would not require the type of technical review that, say, a site development plan would require, it could be established at a much, much lower fee.

Mr. Harvey: The Board could do that, yes.

Mr. Howard: Okay.

Ms. Hazard: And just to follow up on that I believe, I can't cite the county, but I believe that there have been some that, if it is going towards meeting Ches Bay or other environmental, there was some research that I did that there was a reduction, and that was part of the application, that it significantly reduced a fee because it was meeting certain goals, environmental goals that the county wanted to pursue.

Mr. Howard: Correct.

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Ms. Kirkman: The reason why I asked is I'm not... I want to see a way to make this happen and meet the...because of the zoning, my understanding is we're even discussing this because of a Zoning Administrator interpretation of our current zoning policy, or zoning ordinance. I just, at this point I'm not convinced that by-right is the best way to go about it and so I wonder if the motion maker would consider amending the motion to asking the Board to allow us to craft an ordinance so that that would give us the room to figure out what the best vehicle is for it.

Mr. Rhodes: Mr. Chairman, I certainly would be willing to amend the motion to qualify that what the Board of Supervisors refers to us gives us the flexibility to alter whatever language is sent to us.

Mr. Howard: Secunder agrees to that?

Mr. Mitchell: Yes.

Mr. Howard: So can we...Ms. Knighting would you like us to restate the motion? No? Okay. Alright, so the motion on the table is that the Planning Commission is requesting the Board to reconsider referral O11-26, which would allow wetland mitigation banks as a by-right use, to include allowing the Planning Commission to make any modifications to such zoning ordinance as it deems appropriate.

Mr. Rhodes: Yes.

Mr. Howard: Alright, no further discussion? Then I'll call for the vote. All those in favor of the motion on the table signify by saying aye.

Mr. Mitchell: Aye.

Mrs. Hazard: Aye.

Mr. Hirons: Aye.

Mr. Rhodes: Aye.

Ms. Kirkman: Aye.

Mr. Fields: Aye.

Mr. Howard: Aye. Opposed, nay... opposed, say nay. The motion carries 7-0. Great, thank you. That brings us to 7:30, and this is one of our favorite times of the meeting, where at this point we have public presentations. So at this time anyone from the public may come forward and address the Planning Commission on any item that is not part of the public hearing this evening. We do have three public hearings this evening. They are reclassification of Stafford Sports Center; the comprehensive plan compliance review, telecom tower; and a Conditional Use Permit for that same telecom tower. So if you want to address the Planning Commission you may do so by stepping forward to the podium on any item that's not a public hearing. You will have time to speak to us in a public way during the public hearing itself. In either case, when you address the Planning Commission, we do not answer your questions immediately, what we do is we take some notes and we get some general comments at the end of either the public hearing or the public comment period and we try and get you some

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answers. We just ask that you state your name and your address, and you have three minutes. When the green light goes on at the podium, that's when your three minutes begin. When the yellow light comes on that means you have about a minute left, and then when the red light starts to flash, we just ask you to conclude your comments and allow the next speaker to address us. Thank you very much, and then we now open up the public presentations of this evening's meeting.

3. Zoning Ordinance Amendment; Recycling Definition (**Time Limit: October 3, 2011**) (**Deferred at September 7, 2011 meeting to October 5, 2011**) (**Requesting additional time from Board of Supervisors**)

Discussed after public hearings.

4. Zoning Ordinance Amendment; Farmers Market (**Time Limit: December 6, 2011**) (**Requesting additional time from Board of Supervisors**)

Discussed after public hearings.

5. Zoning Ordinance Amendment; Exempt Subdivision (**Time Limit: December 7, 2011**) (**Scheduled for October 5, 2011**)

Discussed after public hearings.

6. Zoning Ordinance Amendment; Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

NEW BUSINESS

7. SUB1100059; Brentsmill, Section 3, Preliminary Subdivision Plan - A preliminary cluster subdivision plan for 28 single family dwellings, zoned R-1, Suburban Residential Zoning District, on Assessor's Parcel 21-148, consisting of 15.95 acres, located at the intersection of Naples Road and Bismark Drive in the Brentsmill Subdivision, within the Griffis-Widewater Election District. (**Time Limit: December 20, 2011**)

Discussed after public hearings.

8. Comprehensive Plan Amendment and Zoning Ordinance Amendment; Transfer of Development Rights (**Time Limit: December 5, 2011**)

Discussed after public hearings.

PUBLIC PRESENTATIONS

Mr. Dudenhefer: Just real quick. Mark Dudenhefer. And I'm here to say goodbye and thank you for all your service to Stafford County. We're going to miss you and fair winds...or, what is it?

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Mr. Rhodes: Fair winds and following seas.

Mr. Dudenhefer: I don't know how many million times I've said that. But Ken, thanks a lot for all your service to Stafford County. You are going to be missed and keep in touch. Let us know how you're doing, alright?

Mr. Mitchell: Thank you for your kind words.

Mr. Howard: You choked him up.

Mr. Dudenhefer: Didn't mean to do that.

Mr. Mitchell: No, no, and I can count on one hand when I've choked up. It's been a privilege and I apologize for time. It's been a privilege and an honor to have worked with the citizens of Stafford County, with the Board of Supervisors, with the Planning Commission, it's been my sincere honor to have been a part of it, and hopefully there was some good in most of it. So Mark, I thank you for coming down, I thank you for saying those very kind words. Thank you, Sir.

Mr. Dudenhefer: You are welcome.

Mr. Howard: Thank you. Anyone else from the public wishing to address the Planning Commission on any matter, again, that's not before us this evening in the public hearing portion may do so by stepping forward to the podium. We will not answer you back, though, this time. All right, seeing no one else advancing toward the podium, I will now close the public presentation portion of the meeting and open up our public hearing this evening. Our first public hearing this evening is on the reclassification of Stafford Sports Center. It's RC1100077. And we'll now hear from Mr. Hess, from staff.

PUBLIC HEARINGS

9. RC1100077; Reclassification - Stafford Sports Center - A proposed reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District to allow retail, office, and indoor recreational enterprise uses on Assessor's Parcel 20-12, consisting of 23.79 acres. The property is located on the south side of Garrisonville Road approximately 250 feet west of Parkway Boulevard within the Garrisonville Election District. **(Time Limit: December 20, 2011)**

Mr. Hess: Thank you, Mr. Chairman. Before I start with my presentation I just want to draw your attention to some handouts that were provided to you this evening. One of those handouts should be a revised proffer statement dated 9-21, September 21st, which is today. Also there, I believe, is a buffer illustration that might have been handed out to you as well. So I will go ahead and go into my presentation but just to let you know those things. The proffer statement did occur through exchange between the applicant and staff. As far as recommendations to make changes to their proffer statement, they met with the fire marshal as well to address citizen concerns. They did meet with the citizens after the report and then attachments and everything that were sent to you and your Planning Commission packet was sent out already so with that I'll go into my PowerPoint presentation. May I have the floor computer please? Thank you. As mentioned, staff is presenting tonight application RC1100077, that's the Stafford Sports Center. The request is to reclassify property from A-1,

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Agricultural, to B-2, Urban Commercial, to allow an indoor recreational enterprise and also allow commercial retail and office uses. The applicant is SSCA, LLC. The property is Assessor's Parcel 20-12, and the property is approximately 23.77 acres. The agent assisting the applicant is Debrarae Karnes. There's a picture of the location on the zoning map of the property. As you can see it's zoned A-1. To the north is more agriculturally zoned property, as well as a B-3 that's an office. There's R-1, which is suburban residential. To the northwest there's also PD-1, which is Planning Development 1, that's Park Ridge subdivision. There is a B-2 commercial use right there, I believe that is a real estate office, and then of course you have North Stafford High School here to the, I guess you could say, west and southwest, and then Park Ridge Elementary School. The background is that the property has been zoned A-1 since its existence, since zoning was established in Stafford County. On the property there is currently one residential... residential building that was built around the beginning of the 20th century. It has a private driveway to get access to it off of Garrisonville Road. The rest of the property remains undeveloped. It's rather, primarily wooded, excuse me, with some terrain. There were two intermittent streams identified with wetland areas identified on the property as well. There is an aerial photograph. As you can see, the residential development to the northwest, to the east, and then North Stafford High School, Park Ridge Elementary. And then larger A-1 property, which has one residence on it as well, to the north. Okay. The generalized development plan, you've had a chance to look through that, shows the current existing conditions. It shows the potential layout of the development. It shows where open space areas are designated, it shows the utility, where existing utilities are at. There's transportation, both proposed and existing. It shows proposed landscape buffers and stormwater management details. As far as the uses are concerned, it shows a 196,000 square-foot recreational enterprise building. The building essentially is, it's connected all in one but if you had to divide it into two, it would be, essentially, one half of it is for the indoor competitive swimming pool, the other half is going to have multi-purpose sports fields. And then the other phase... the other portion of this project is going to consist of approximately 60,000 square feet of commercial uses. Just for your information, the primary access that you'll see on your generalized development plan shows a right-in, right-out with no left turn movements on or off Garrisonville Road. Just to make that clear. And here is a picture of the northern half of the development. As you can see, there are several existing pad sites all throughout the northern half of this development. The applicant is showing inter-parcel connection to Parkway Boulevard here to the, I guess you would say, to the east. And inter-parcel connection with North Stafford High School here to the west. And again, the main entrance, main access is a right-in and a right-out off of Garrisonville Road, with no break in the median. Here's a picture of the southern half of the development, where the recreational facility will be drawn, or excuse me, is proposed to developed, located at, on the property. As you can see, I'm not quite sure... I believe this is where the four fields, multi-purpose fields would be at, and this is where the swimming pool is going to be at. And then, of course, the parking associated with the developments. Here is an architectural rendering of the sports... of the recreational enterprise itself. As later mentioned, the applicant is proffering the architectural design and building materials of the recreational center, as well as the other proposed buildings on site. As far as transportation goes, this project was... did trip the 527, Chapter 527 transportation impact analysis. And so they were required to submit the TIA to VDOT. It went through various reviews and comments from VDOT. Ultimately, though, in the study it showed that a little over 8,000 vehicle trips per day would be generated, almost 800 vehicle trips per hour for 8 AM peak, and then 853 vehicle trips per hour on Saturdays, which was considered to be the highest vehicle trip per hour that this site would generate. This is all based off that study. As mentioned, the study was modified with the proposal to include phasing per the attached addendum, which is in your... is one of your attachments. The addendum was the first proposed idea to phase the project. The phased approach would allow the applicant to build the recreational enterprise and approximately 2400 square feet of commercial uses under that Phase 1. And then, at a later date,

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approximately when Garrisonville Road gets widened from a four lane to a six lane road, then the applicant would be allowed to develop the remaining 35,500 square feet under Phase 2. The study talked about impact on several intersections, both on-site and off-site. Those were heavily, evaluated, which I'll go into further detail here. Next slide. With that, the impacts to the intersections, in particular, which I'll get to here in just a second, were at two intersections. The first intersection was the Garrisonville Road, Joyce Street and Wolverine Way Road intersection. And also the Garrisonville Road, Parkway Boulevard intersection. So I mentioned two intersections as far as the proffers are concerned, those are the intersections I'm talking about, which again are to the north, excuse me, to the east and west of this development. Again, the main primary access into the site is a right-in, right-out off of Garrisonville Road, as if you were heading towards 95. The transportation proffers include dedication of right-of-way off of Garrisonville Road. There's going to be modification, modifying signal... existing traffic signals at two intersections, again, I just mentioned what those intersections were. There's going to be construction, the extension of existing westbound left turn lane at Garrisonville Road and Wolverine/Joyce Street intersection. There's also proffering to construct a left lane at Garrisonville Road/Parkway Boulevard, that's the northbound approach if you're coming on Parkway Boulevard and turning rather west onto Garrisonville Road. The applicant is looking to construct a left-turn there, and then also the applicant is looking to provide inter-parcel connection to Assessor's Parcel 20-13, which is the real estate building I mentioned earlier, real estate property, real estate office. And then 20 . . . oh, excuse me, that's the school property. My mistake, that's the school property. Assessor's Parcel 20S-22-A is the real estate office property. Again, shown on your GDP, inter-parcel connection there. VDOT comments, they find that the phasing would help offset the negative impacts to the existing network. They did conclude that the development would increase queue lengths along Garrisonville Road at those two mentioned intersections, particularly left-hand turns. And according to the study, according to the forecasted traffic volume, by 2021 Garrisonville Road becomes problematic with or without this proposed project. Other proposed proffers for this application were to develop the site in conformance with the GDP, specifically, the location of the recreational enterprise building, the transportation improvements shown on the GDP and listed in the proffer statement and the pedestrian pathways and trails. The applicant is looking to develop the project, as mentioned, in a two-phased approach. The applicant is prohibiting permitted uses under the... well, permitted and conditional uses under the B-2 zoning district, specifically adult businesses, building material sales, funeral home and indoor flea market. The applicant is looking to... sorry. The applicant is looking to establish architectural design and interior building materials and colors for all buildings on site; also looking to restrict the height of all buildings on site. And there is a current agreement between the applicant and the School Board. That agreement pertains to the school's reducing the buffer requirement along the school property. They would have shared overflow parking for special events, and they would construct... or they would allow construction and use of inter-parcel access. In exchange, what the schools would get, they would give that to the applicant. What they would get in return is the use of the ten-lane competitive pool at no charge for five years. And that would be an operating expenditure that the schools would not have to be charged with or charged for, rather. The applicant is also looking to limit lighting within the parking areas, the lighted would be directed downward away from surrounding residential properties and Garrisonville Road. The applicant would provide thirty percent of total units, of plant units to be evergreen units. The applicant would provide an architectural survey for the existing residence, resident property, the building on site. And the applicant would also provide CPTED. CPTED is Crime Prevention Through Environmental Design, in conjunction with location of the light fixtures on the property. According to the comprehensive plan, as you can see, it recommends, the property's along a commercial corridor within a suburban area. The commercial corridor encourages commercial activities where there are adequate transportation facilities that will accommodate those uses. It also encourages infill development and

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reuse of underdeveloped commercial sites, and finally it's commercial uses that are proposed adjacent to residential uses should be integrated into and accessible to the community in its design and not be considered or seen as obtrusive to the community. In staff's evaluation we found that the project is consistent with the comprehensive plan, specifically Objective 6.3, which is creating a system of sidewalks and pedestrian trails and pathways with the adjacent schools and subdivision. And Policy 7.7, which is the transportation policy that this project will not further degrade the existing roadway network. With that, the proffers, another positive is that staff found that the proffers ensure transportation improvements will offset any negative impacts and that the proffers will provide access to the competition pool at no charge to the schools for five years, as mentioned earlier and that this project provides a needed community facility. With that, some of the negative findings that staff found was that the uses are not proposed with limits on hours of operation...

Mr. Howard: Mr. Hess, in this revised statement it said not past midnight and not before 6 AM, did I read that right?

Mr. Rhodes: Five.

Mr. Howard: Five AM?

Mr. Hess: I believe so, yes.

Mr. Howard: Alright, so that...

Mr. Hess: Right, again, so this uh... again the presentation is going off the report that I sent to you. So yes, they are aware of some of these negative aspects and they have addressed them in that revised proffer statement you got dated today.

Mr. Howard: Alright, so that comment is prior to that...

Mr. Hess: Correct, yes.

Mr. Howard: ... hours of operation change.

Mr. Hess: Right.

Mr. Howard: Thank you.

Mr. Hess: Same with the next one. The allowed B-2 uses that conflict with nearby residencies, staff pointed out some vehicle fuel cells use, automobile related uses, I believe a nightclub use was another one that suggested to be removed as far as uses to be proffered out under the B-2; again, with respect to the adjacent residential properties. There was also building height... there's a building height recommendation in the comprehensive plan under the Suburban Area section that talks about heights of buildings not to exceed 35 feet. The recreational facility is proposed at 55 feet. And then finally, again coming from the Suburban Area language under the comprehensive plan, this project does not meet the open space ratio. I believe they are providing 30 percent of open space and the Suburban Area recommends 40 percent of open space to be satisfied, again under Suburban Areas. With that, staff generally supports the application; however, we ask that the applicant consider adding proffers to mitigate potential negative impacts. Again, you touched on it, Mr. Chairman, proffering hours,

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limiting hours of operation to all uses on the site. Proffering out additional uses under the B-2 zoning district and preserving existing vegetation along the property line that abuts the residential subdivision, which is Park Ridge subdivision. And with that I'll take any questions.

Mr. Howard: The shared access point on the high school side, on North Stafford High School side...

Mr. Hess: Yes.

Mr. Howard: ...is that shared access? They have a gate there, so is that shared access, do you know, in front of that gate, does it line up to the gate? I couldn't read the small print so I don't know if you have a rendering we could put up.

Mr. Hess: Right. I'm not quite sure exactly where that gate is but I know that the gate would be moved back, south, away from that approach, as you approach the Wolverine Way to Garrisonville Road. Of course you have the inter-parcel connection there but I believe the gate would be moved back and not, you know, it would not allow traffic to, you know, it would only allow the traffic to go in, that's not going to the school to go to the commercial site and go to the recreational enterprise.

Mr. Howard: So the school site can be locked.

Mr. Hess: Correct, yes.

Mr. Howard: Okay. And then overflow parking agreement, that's sort of unlimited, so just whenever they have overflow, is there any restrictions on time of day or...

Mr. Hess: I'm not quite sure about that. That might be something written up in the agreement between the School Board and the applicant. The applicant, the agent might be able to... Debrarae might be able to address that specifically.

Mr. Howard: And then, again staying on this one same access point.

Mr. Hess: Sure.

Mr. Howard: One concern I would have and I'm not sure if this came up in discussion, is the sale of alcohol or tobacco at this facility. And only because it's, you know, if they're trying to, partner, quote, with the school...

Mr. Hess. Mm hmm.

Mr. Howard: ... I'm not sure if any discussions occurred with that and is the applicant willing to just restrict sales of those items, because technically a minor, you know, can't purchase them anyway, but...

Mr. Hess: Right.

Mr. Howard: ... at the end of the day I'm not sure the county wants somebody walking from that facility to the parking lot...

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Mr. Hess: Sure, I understand.

Mr. Howard: ... school parking lot, and driving away, so...

Mr. Hess: Okay.

Mr. Howard: Did that...

Mr. Hess: Did that come up in conversation?

Mr. Howard: Yes.

Mr. Hess: The only thing that came up in conversation regarding alcohol on site was proffering out the nightclub use. As far as whether the recreational enterprise will obtain an ABC license for adults to drink alcohol on site, that did not come up in conversation, so...

Mr. Howard: Well, it's not uncommon in a sports facility...

Mr. Hess: Right.

Mr. Howard: ... to have, you know, the adults, watching their children to have something to drink but I'm just not sure in this case, you know, I'm not anti-alcohol or tobacco, I'm just saying in this case, it may be something that the county staff would want to maybe revisit with the applicant.

Mr. Hess: Okay.

Mr. Howard: I'm not sure if there's any other questions of staff. Ms. Kirkman?

Ms. Kirkman: What is a recreational enterprise? Do we have a zoning definition of that?

Mr. Harvey: Yes we do; I will get that in a second.

Ms. Kirkman: Alright. And then what does it mean, I was trying... looking at the GDP and looking at the application materials, what does with commercial uses mean? What are the commercial uses that are proposed for this project?

Mr. Hess: Ah, commercial uses, okay... one second here.

Mr. Harvey: Ms. Kirkman, while Mr. Hess is looking that up, the definition of recreational enterprise stipulates they are enterprises where the principal use is the operation of such businesses, but not limited to, bowling alleys, skating rinks, swimming pools, tennis and racquetball courts, mini-golf, health spas, martial arts instruction, and fitness centers.

Ms. Kirkman: Okay. So what's the with commercial use piece?

Mr. Hess: Alright, the with commercial use piece, as far as the pad sites have been identified, and I'm pulling this specifically from the addendum, transportation addendum, talk about a 3,000 square-foot fast-food restaurant with a drive-through which, again, since it's in a Highway Corridor Overlay

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District they'd have to come through and get a conditional use permit for that drive-through. There's a 6,500 square foot high turnover sit down restaurant, and a 14,500 square foot pharmacy with a drive-through. And then the remaining 35,000 square feet I believe is still open to the uses allowed under B-2.

Ms. Kirkman: So what proportion of this is for the recreational facility and what part is for commercial uses?

Mr. Hess: As far as...

Ms. Kirkman: Like, is 50 percent recreational, 50 percent commercial...?

Mr. Hess: As far as like the space it covers on the property or...?

Ms. Kirkman: The square footage.

Mr. Hess: Square footage. Well I mean the square footage for the recreational enterprise is 196,000 square feet.

Mr. Rhodes: The other is 55.

Mr. Hess: And the other one is...

Mr. Rhodes: Eighty-twenty.

Mr. Hess: Right.

Mr. Howard: Fifty-five thousand square feet.

Ms. Kirkman: Is that the... when you're looking at the square footage for the recreational center, that's because it also... what's the section that goes up 55 feet?

Mr. Hess: The building that goes up 55 feet is the recreational enterprise.

Ms. Kirkman: So in terms of... maybe I used the wrong word, floor-area ratio.

Mr. Rhodes: Same.

Ms. Kirkman: So in terms of the footprint of this...

Mr. Hess: So you're asking me the dimensions of the...

Ms. Kirkman: Yeah. It's... looking at the GDP...

MR. Rhodes: Sheet 3 of 5.

Ms. Kirkman: ... if you could point out or maybe...

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Mr. Rhodes: Sheet 3 of 5.

Ms. Kirkman: ... pull it up? If you could point out which of these is the aquatic or the...

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes.

Mr. Rhodes: Sheet 3 of 5 might help in your discussion. All the way to the left.

Ms. Kirkman: Right, so where it doesn't help, Mr. Chair...

Mr. Rhodes: Of course not.

Ms. Kirkman: ... so which of these is going to be phased? What's getting built first, what's getting built after Garrisonville Highway is... Garrisonville Road is expanded to six lanes?

Mr. Hess: Right. The first phase is going to include the recreational enterprise. And it will also include the 24... I believe it was 24,000 square feet I mentioned earlier, and the 24,000 square feet that I mentioned were the uses... were the 3,000 square foot fast food restaurant, the 6,500 square foot high turnover sit down restaurant, and the 14,500 square foot pharmacy. It's not really... it's just different pad sites, you know, will be,... again it's... of those pad sites I'm not quite sure which ones are going to be developed first. I just know that 24,000 square feet of commercial will be developed in the first phase. Because again, the GDP, they're not proffering the GDP as is. They're only proffering specific things on the GDP. So the layout of the commercial could change, but at max all they can do is 24,000 square feet of commercial.

Ms. Kirkman: Plus...

Mr. Hess: Plus the recreational enterprise.

Ms. Kirkman: ... the recreational.

Mr. Hess: Which, the recreational enterprise building is proffered for its location specifically, so that will stay put.

Ms. Kirkman: So the commercial will always be...

Mr. Hess: Up front

Ms. Kirkman: ... up front.

Mr. Hess: Yes, will be up front along Garrisonville Road.

Ms. Kirkman: And then in terms of the traffic impact analysis that was done?

Mr. Hess: Okay.

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Ms. Kirkman: On page seven of the staff report, it lists a number of facility improvement needs. Were all of those proffered?

Mr. Hess: Yes, I believe so.

Ms. Kirkman: Okay. The issue of the height and the floor area ratio, are those in the zoning ordinance or are those recommendations in the Comprehensive Plan?

Mr. Hess: Those are recommendations in the Comprehensive Plan.

Mr. Kirkman: Okay, so nothing further would be needed in terms of variances, that sort of thing?

Mr. Hess: Correct. Right, as far as the height restriction goes, I believe 65 feet is the highest you can go in B-2, and of course they were proffering the recreational enterprise at 55 feet, which it's proposed at, and then all the other commercial buildings are proposed at 35 feet.

Ms. Kirkman: And what's the height of the high school?

Mr. Hess: That I don't know.

Ms. Kirkman: Are there other buildings in that area that are that scale, that height?

Mr. Hess: I don't believe so.

Mr. Howard: Just the water tower.

Mr. Hess: Sure, yeah, there you go; just the water tower.

Ms. Kirkman: The water tower. But that's higher than 55 feet.

Mr. Howard: Yeah, that's pretty high.

Mr. Hess: True, yes.

Ms. Kirkman: Okay, so we shouldn't be thinking the building's going to be that high. So in terms of the VDOT letter, they talk about some of the queuing times, they state that while the applicant states the results of the traffic study indicate that proposed improvements would effectively mitigate, site-generated trips, VDOT notes that it could result in worse operations for post-development conditions and specifically they talk about queuing lengths. Now when they're talking about that, is VDOT talking about like how long the line of cars is waiting to turn?

Mr. Hess: Correct. It's the stacking in the left-hand turn lane. What they're worried about is that the stacking will encroach, or will come out onto the through lanes traveling, I guess you would say, eastbound... westbound, excuse me, on Garrisonville Road.

Ms. Kirkman: So this... the first one they talk about is Garrisonville Road eastbound through movement at Wolverine Way for the AM peak hours, and essentially they talk about that length

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doubling, nearly doubling, from 1,004 feet to 1,923 feet. Do the traffic improvements build a turn lane to handle that length of a queue?

Mr. Hess: They are proffering, I guess when you're coming, your northbound approach to Wolverine Way, I mean to Garrisonville Road along Wolverine Way, is going to have a dedicated, I believe, right-turn lane. It's going to have a left-turn lane and it's going to have a third lane in the middle that I think you can have the option of going through or turning left and right. It's supposed to help offset, I don't know if it entirely mitigates, I'm hoping the applicant's transportation engineer can answer that question a little more specifically.

Ms. Kirkman: So I'm trying to understand this nearly 2,000-foot line of cars.

Mr. Hess: Right.

Ms. Kirkman: Is that line of cars going to be in a through lane of Garrisonville Road?

Mr. Hess: I mean the intent is not to... that's why they're expanding the left-turn lane that's heading westbound. So you're heading westbound on Garrisonville Road to turn left into Wolverine Way, they are...

Ms. Kirkman: But this is for eastbound, not westbound.

Mr. Hess: Okay, eastbound...

Ms. Kirkman: It says Garrisonville Road eastbound.

Mr. Hess: Okay.

Ms. Kirkman: That's why I'm trying to put that together with your discussions about a westbound turn lane.

Mr. Hess: I'm going to have to defer to the applicant's engineer on that one, sorry.

Ms. Kirkman: So the next one is about westbound and they talk about... VDOT discusses that the PM peak hour line increases... it more than triples from 205 feet to 670 feet. And for Saturday, peak hour increases from 88 feet to 662 feet. And it sounds like that's the line that's addressed by the westbound turn lane.

Mr. Hess: Okay.

Ms. Kirkman: But we don't know if it, like, how big that lane is.

Mr. Hess: Right.

Ms. Kirkman: And then the last line that increases, it says Garrisonville Road westbound through and left-turn queues at Parkway Boulevard increase from 772 and 385 feet respectively to just over one mile, for peak PM conditions?

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Mr. Hess: Mm hmm.

Ms. Kirkman: How is that managed in the improvements that have proffered by the applicant?

Mr. Hess: I believe...

Ms. Kirkman: I mean, a mile's a long length of cars waiting to turn.

Mr. Hess: Sure, oh yes, 5,000 feet. I believe the additional left-turn lane is going to help with that. They are proffering to do an additional left-turn lane onto Garrisonville Road from Parkway Boulevard. And then they're looking to lengthen the left-bound turn lane into Parkway Boulevard off of Garrisonville Road. I believe those are supposed to help offset those impacts that you're talking about.

Ms. Kirkman: Then finally I want to, and maybe the applicant will need to comment on this as well, as I read this letter from VDOT, what the letter from VDOT seems to be saying is that by 2021 that section of Garrisonville Road is going to be bad, period, no matter what.

Mr. Hess: Right.

Ms. Kirkman: Some would even argue it's getting close to that now.

Mr. Hess: Right.

Ms. Kirkman: But then what this project will do is in essence bump up some of those problems to 2015; is that a fair way to understand this letter from VDOT?

Mr. Hess: It does mention that the reported delays would be worsened and that the queuing traffic on Garrisonville Road would be increased significantly in the post development condition of 2015.

Ms. Kirkman: Okay.

Mr. Hess: So yes.

Ms. Kirkman: Thank you.

Mr. Hess: You're welcome.

Mr. Hirons: Mr. Chairman?

Mr. Howard: Yes, Mr. Hirons.

Mr. Howard: I have questions.

Mr. Hirons: With regards to the issue of hours of operation, do you have any comparison hours of operation for, say Woodlands pool and/or the YMCA in Falmouth?

Mr. Hess: I do not. I could...

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Mr. Hirons: Did staff have a recommendation of hours of operation what they should be?

Mr. Hess: We do not, we did not, no.

Mr. Hirons. Okay. Thank you.

Mr. Howard: Any other questions of Mr. Hess? We can bring the applicant up.

Ms. Kirkman: Yes.

Mr. Howard: You have more questions for staff?

Ms. Kirkman: I do.

Mr. Howard: Okay.

Ms. Kirkman: The proffers referenced 20 lanes and then were changed to 10; do you know what size pool they're proposing to construct?

Mr. Hess: I've heard that it's going to be a 25 yard or meter pool. And then it's going to have the potential to be expanded to a 50 meter pool, an Olympic-size pool, but again I'm going to have to defer to the applicant on that one.

Ms. Kirkman: Okay.

Mr. Hess: And Mr. Hirons, I guess to go back to your question about what you just said, there was a phone conversation today between Debrarae and myself and we discussed hours of operation, but that was more or less in regards to the recreational facility pertaining to potential for swim meets, weekend swim meets and, you know, trying to get a sense, get an idea of what would be appropriate for special events like a swim meet that draws several teams to it on a weekend. So I, again, I don't have anything to compare it to, I know there are other facilities that exist that host those type of meets, but those type of meets don't happen here in Stafford County.

Mr. Hirons: But there wasn't any actual result of that conversation.

Mr. Hess: No.

Mr. Hirons: Hours they...

Mr. Hess: I believe they, the applicant and client worked on what they thought would be appropriate or needed for their facility, so under those hours of operation that you see in the proffers dated today.

Mr. Hirons: And the edited proffer is 5 AM to midnight daily, weekday or weekend.

Mr. Hess: Right, correct.

Mr. Hirons: Right.

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Ms. Kirkman: Could I ask another...?

Mr. Howard: Sure.

Ms. Kirkman: Going back to the pool issue...

Mr. Hess: Okay.

Ms. Kirkman: Does Stafford County... so it... an Olympic-size pool is 50 meters?

Mr. Hess: Correct.

Ms. Kirkman: Does Stafford County have any of those type facilities right now?

Mr. Hess: I believe Curtis Park can be considered a 50 meter pool.

Ms. Kirkman: Year round?

Mr. Hess: Not year-round, obviously. It's not under a... it's not indoors, it's outdoors.

Ms. Kirkman: Okay.

Mr. Hess: So just during the summertime.

Ms. Kirkman: Alright, thank you.

Mr. Hess: Sure, you're welcome.

Mr. Howard: Are there any additional questions for Mr. Hess?

Ms. Hazard: Just one.

Mr. Howard: Yes, Mrs. Hazard?

Mrs. Hazard: I saw in the amended proffers, I guess it's on the top of page 5, when they talk about the development of the drive-through uses. Since two of those initial proposed uses, a restaurant and, potentially, a pharmacy, it talks about, of course, that these drive-through uses will be contingent upon a conditional use permit. Can you just sort of explain how that process would be if that goes forward, because drive-through is another way to back up traffic on Garrisonville Road? It can happen. I just would, for the many people, too, who are here who I think are interested in that, how would that drive-through... if we would go forward with this, how is that handled going forward?

Mr. Hess: As far as it's... traffic it's going to generate?

Mrs. Hazard: How it is determined whether a drive-through use will be permitted through, I assume, through VDOT or the conditional use permit, which is what is referenced in this document. The top of page 5 says...

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Mr. Hess: Right.

Ms. Hazard: ... development of the drive-through uses shall be contingent on issuance of a conditional use permit if required, and I just was trying to get clarification on what that.

Mr. Howard: I think that's for the use of the proposed drug store, is why it's in there.

Mrs. Hazard: Or potentially the restaurant. I just would like some clarifications because if you've ever sat sometimes on, well, I won't, I won't allude to examples many people know.

Mr. Hess: Hopefully I will answer the question incorrectly. The current TIA study took that into consideration, as far as the transportation impact. So if a CUP comes along for that pharmacy and it's proposed at 14,500 square feet, it's already captured in that impact study, or that transportation impact study... analysis, excuse me.

Ms. Kirkman: But, if I could...

Mr. Howard: Sure, Ms. Kirkman?

Ms. Kirkman: Did the CUP... I mean the traffic impact analysis... did it include a drive-through for the pharmacy or only for the fast food restaurant?

Mr. Hess: I don't have the addendum with me right now.

Mrs. Hazard: Mr. Chairman, I guess my comment would be is if the applicant, when they come up, if we can just understand how the...

Mr. Howard: Yeah, I thought it said drug store.

Mrs. Hazard: I thought it did too but I think . . .

Mr. Howard: In particular for the drive-through and then there was a sit down restaurant, fast turnaround sit down restaurant, but the applicant can clear that up.

Mr. Hess: Right.

Mrs. Hazard: Well, I just wanted to throw that out so that...

Mr. Howard: Okay.

Mrs. Hazard: ... can be addressed.

Mr. Howard: That's fine.

Mrs. Hazard: Thank you.

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Mr. Howard: Mr. Hess, there was an operating business in Park Ridge probably less than a tenth of a mile from this proposed subject site. That was an athletic complex. There was a gym in there, there was a full size pool, and it's actually in Park Ridge.

Mr. Hess: Okay.

Mr. Howard: Is that still operating today?

Mr. Hess: That I do not know and I...

Mr. Howard: Everyone's shaking their head no.

Mr. Hess: Right.

Mr. Howard: So you wouldn't know what the hours of operation for that were...

Mr. Hess: Right.

Mr. Howard: ... right? Okay, so that's something we want to find out too. When that was operating, in its heyday, what were the hours of operation?

Ms. Kirkman: Could I just get...

Mr. Howard: Yes, Ms. Kirkman?

Ms. Kirkman: So there's a pool sitting in Park Ridge that's not being used?

Mr. Howard: It's vacant. It's a vacant building. It was a small athletic complex that was built many years ago. It actually looks like this huge community center when you first drive in there, but it was owned by a private enterprise. I don't know anything more about that, just that I've been there a few times.

Ms. Kirkman: Boy, we sure might, just as an aside, have our Parks and Rec Department look into that.

Mr. Howard: Absolutely. Okay, Mr. Hess.

Mr. Hess: Alright.

Mr. Howard: We will now ask the applicant to come up. Ms. Karnes?

Ms. Karnes: Good evening Commissioners and staff. My name is Debrarae Karnes and I'm the attorney for the applicant. The applicants, by the way, the partners are in the audience tonight, Rob Williams and Neil Hamblin. They are each residents of Stafford County for at least the past 15 years. One is an engineer and one is a logistics consultant with the federal government. And it's nice to see local residents proposing new businesses that help our economy. Mr. Chairman, if you please, I know you've got a long schedule tonight, and I see a lot of people in the audience and so I'm going to try to do a brief summary, hopefully picking up each of your questions. I'm going to hit the general points and with me I have two traffic engineers, an environmental scientist, and an architect. And at the end

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of my presentation, or after the citizens speak, any one of them would be glad to get up and provide more information for you. As you've heard, this is a proposal to build a recreational enterprise of some 196,000 square feet and 59,000 square feet of commercial uses along the front part of the parcel. In Phase 1, until Garrisonville Road is six lanes or traffic impact is otherwise mitigated, only the recreational use and some 24,000 square feet of the commercial is proposed. You have... in front of you are revised proffers dated September 21st, you will see that we have proffered out a number of uses in B-2 that, per staff suggestion, and I think we succeeded in making this proposal more consistent with the adjoining neighborhood community. And of course... you guys, when you got the mail, I would have loved to see the county spent on postage, because at over 400 pages, the report is truly one of the biggest staff reports for a project I've ever seen. And most of that had to deal with the transportation analysis. We went through four different study processes with VDOT in an effort to mitigate the traffic impacts associated with this development. Commissioner Kirkman asked whether the traffic improvements on page seven of the staff report were proffered. Indeed they are. We're constructing right turn lanes, we are extending existing lanes, increasing the storage. And although I'm sure you're going to be asking our transportation consultants detailed questions, at the end of the day, in early September, after four studies, VDOT agreed that our proposal, with the improvements, mitigates the traffic from our proposal. It does note that by 2021 Garrisonville Road will be problematic if it's not expanded to six lanes as in the county's transportation plan. I had a phone conversation with Jeff Harvey talking about this, and he indicates that there is every reason to believe the funds will be there to improve Garrisonville Road at that point in time. Ms. Kirkman asked specific questions about the traffic study and I'm going to leave those to the traffic engineer. But I will point out that some of the conclusions she was quoting from occurred in some of the earlier VDOT comments and do not reflect the conclusions found later in the studies. Moving on beyond transportation, there is environmental features on the site. We worked very closely with county staff, including Amber Forester and Mike Lott, to determine that these features are not representative of perennial streams. They are intermittent streams and we are disturbing less than one-tenth of one acre consistent with the Corps permit. And the environmental consultant to talk about that. One of the big issues involving any suburban development is how well a proposed commercial development or how compatible a commercial development would be with adjacent residential. I was able to meet with a number of the neighbors. I apologize if I didn't get to everyone. When we met with them, their feedback was immediate and precise. Number one, our GDP shows two emergency entrances into the residential development for fire trucks. Even though they were gated, they had pedestrian access and the neighbors did not like them at all. We proceeded to meet with the Fire Marshal to make sure that we were not creating other problems. We met with Andrew Milliken last week, Fire Marshal. He confirmed that it would not be a problem if we removed those access points and our proffers have been changed to so reflect that they have been removed from our proposal. Other comments we got from the neighbors was that they were afraid the 50 foot perimeter buffer was not a sufficient buffer to block the light from the recreational use, the noise from the recreational use, and at least in the case of one neighbor, he feared there would be crime or at least people hanging out after hours and going over to the residential development, committing crime and then using the parking lot of the recreational facility as a getaway. We have changed the proffers in several ways this week to remedy that. Number one, we're putting up... we're proffering to put up an eight foot fence along the boundary between the residential and this property. Number two, we always had a 50 foot buffer. There was a berm there. And many of you know the county code allows an applicant to reduce a 50 foot buffer to 25 feet if they put a berm or a fence. So we've added a proffer that says that 50 foot buffer will not be reduced. Thirdly, we've increased the percentage of evergreens that will be added to that buffer, in order to make sure that when... during winter, when trees lose many of their leaves, the evergreens still provide buffer and coverage. You heard Mr. Hess talk about how the comp plan encourages a

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greater percentage of open space and reduced height of buildings next to residential in the suburban designation. Now comp plan... a comp plan is important, but indeed it's just a guide. And what I interpret it to say is that commercial development adjacent to residential needs to make sure it mitigates its impact. And I submit that by these changed proffers, by the fence, by the combination of the fence, by the provision that it will remain a 50 foot buffer, that the increase of the types of vegetation, all of these things mitigate the impact of this development. I'm not quite sure how to organize this in my comments, so I'm going to go back to Chairman Howard's question about liquor. The applicant tells me that he has no plans to serve liquor, wine, beer in the little snack bar that will be part of the recreational enterprise and we'd be glad to explore that in more depth later if you'd like. The other big issue... and this is another just interesting twist... this use, although it is for profit, provides a needed community benefit; an indoor pool with 10 lanes that is 25 yards long and that's going to be the competition pool. There will also be a teaching pool. This will provide a valuable benefit to Stafford County residents all on its own. And by the way the adjacent pool that the neighbors are talking about in Park Ridge is an outdoor pool only and not suitable for competition. But anyway, aside from the obvious benefits to the community and the potential for regional sports competitions and the economic development therefrom, there's another benefit, a very tangible benefit. The applicant is offering the schools an hour and a half a day during its peak time, Monday through Friday, for one or more of the Stafford County high schools to have team practice. And that is for six lanes and not five, as negotiated with the School Board staff last week. I want to make sure I'm adequately representing the School Board. I think, someone said that the school board had approved it. The School Board staff is recommending it to the School Board, but the School Board has not officially acted. The value of the ten lanes over six years computes out to \$121,000, and you couple that with the two trails that are being installed, connecting the property to the nearby high school, and separately to the nearby adjacent elementary school. Both requested expressly by the School Board, works out to a dollar value of \$321,000 that will accrue to the benefit of Stafford County and its citizens. I apologize if I have left out any answers. I think Mr. Hirons asked a question of how did we determine the hours of operation. The applicant did survey some other facilities, including the Fredericksburg Field House and finds they are open in some instances... it's not me, I'm not ringing. The Field House is open after midnight. We selected 5 AM to midnight as what we thought was reasonable operations. I think that's it. I'll be glad to answer any other questions that arise now or later and I would be more than willing to bring up any of my experts that I referred to.

Mr. Howard: Thank you, Ms. Karnes. On the overflow parking that...

Ms. Karnes: I forgot.

Mr. Howard: ... tentatively has been agreed to.

Ms. Karnes: Yes.

Mr. Howard: Was there a time of day where that parking could occur or not occur, to your recollection?

Ms. Karnes: There was no time of day. More care was taken on defining when, in terms of what circumstances would trigger it. Ideally, each party wanted about a week's notice of the need, but the school's people indicated to us that sometimes they are unable to predict the need in unforeseen instances and in that case, we've agreed to provide parking at any time for reasonable purposes.

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Mr. Howard: So there's reciprocity, so parking can occur on the applicant's premise for school reasons?

Ms. Karnes: Yes.

Mr. Howard: Okay, so like a football game, a Friday night football game.

Ms. Karnes: Exactly. Or another special function. Graduation, for instance, would be one example.

Mr. Howard: Right. Okay. But that would have to be prearranged.

Ms. Karnes: Unless it's an emergency or other unforeseen circumstance.

Mr. Howard: Okay. And does that impact any of those future businesses as well?

Ms. Karnes: There is a provision that says it should not interfere with existing usage, and so I think we'd primarily be looking for both parties for usage of the parking during the other party's non-peak uses... times.

Mr. Howard: Were there any alternative suggestions that your engineers had aside from what VDOT was indicating could be potential ways to mitigate some of the increasing traffic that are not on the table today. So is there anything that your engineers thought through from a traffic perspective that, hey you know, if we did this or we got VDOT to agree to this, this might be a way ease some of the congestion.

Ms. Karnes: Not really from a substantive perspective. I remember they went back and forth and back and forth on the signal timings and at the end of the day, agreed to disagree but didn't really feel it was material. I will note that there was one question asked about whether the pharmacy was a drive-through, and how drive-throughs would be considered at a later date. Of course, any drive-through would require a CUP that would, in essence, give the Planning Commission another bite at the apple. But the most... the traffic study that was done using uses that were the highest potential. So for instance, they modeled a pharmacy without a drive-through because pharmacies without drive-throughs generate more traffic than pharmacies with drive-throughs, and that's just one of the instances where traffic modeling is not intuitive and doesn't seem to make sense.

Mr. Howard: Who modeled that for you? Ms. Karnes, who modeled that?

Ms. Karnes: The traffic engineers are here and they can give their full credentials; it's Wells and Associates.

Mr. Howard: So is the assumption a pharmacy with a drive-through does less volume than a pharmacy without a drive-through?

Ms. Karnes: Yes.

Mr. Howard: That's incorrect.

Ms. Karnes: That, I think is what the ITE...

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Mr. Howard: Well it's incorrect.

Ms. Karnes: ... manual says, but you can ask them.

Mr. Howard: Okay.

Mr. Fields: One instance where we have to concede that Mr. Howard absolutely knows what he's talking about.

Mr. Howard: The CVS pharmacy on 610 and Onville does four times the volume as the new CVS, which by the way has increased three times what it was doing when it was in the shopping center. So the freestanding store definitely does more volume than an in-line store, but a pharmacy with a drive-through, it can vary, but will do more volume than a pharmacy without a drive-through.

Ms. Karnes: But with that assumption...

Mr. Howard: Factual.

Ms. Karnes: ... that means that means that we would have to come in with more data if we came in for the CUP, so Stafford County is protected.

Mr. Howard: Well the question was, was the usage of the drive-through included in the TIA? The impact that a drive-through would...

Ms. Karnes: It was for the fast food restaurant, but it wasn't for the pharmacy...

Mr. Howard: Okay. That was Mrs. Hazard's question.

Ms. Karnes: ... based on that thinking. Okay.

Ms. Kirkman: I asked about it because drive-throughs generate different types of traffic patterns.

Mr. Howard: Yeah, different times of day, sure.

Mr. Fields: Mr. Chairman?

Mr. Howard: Yes, Mr. Fields?

Mr. Fields: I don't want to get... I don't want to... I want... my desire to ask this question really is for information, I'm not trying to get into proprietary things. So the two applicants are going to be the people that are operating the facility... the recreational facility?

Ms. Karnes: They're going to be the owners. I can ask them to give you their impression on how hands-on they're going to be. They will have managers on site.

Mr. Fields: I don't, and again I don't mean this in any way to cast aspersions on them. I think you have to anticipate the question that for two individuals that, at least in my experience of 12 years of seeing development occur, these are not individuals I've dealt with before, this is an extremely

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ambitious project for two individuals to take on given the upfront infrastructure costs, given the analysis of the traffic, given building, recruiting, building the pad sites, building the facility, running the facility, trying to get the pad sites rented or purchased. That's a lot of stuff and takes an enormous amount of capital up front before you're going to start to see much of a return on it. And maybe, I don't want to cast aspersions on these gentlemen's capabilities at all, but maybe you could give us a handle on what their, sort of, business model is on how this is going to work. Because from personal... Mr. Howard speaks from personal experience with CVSs and as many of you know, I used to work in the fitness industry, I've actually... pools are extremely expensive things to run and operate even under the best of circumstances. They cost a fortune to operate and maintain. And I'm just trying to get a handle on how this is all going to work financially. And I know I can't ask things that are proprietary, but...

Ms. Karnes: Well...

Mr. Fields: Maybe you could give us an overview of what their vision is on how this all works out.

Ms. Karnes: I will tell you they have a vision and they already have been talking to investors. One of them is very skilled in working with swimming competitions now and in fact when I was sitting down discussing pool size and negotiating with the School Board we had to stop while they went back to their computerized business model and ran the numbers and we actually had to reduce our offer because we had to make sure that the business could provide the \$231,000 cash value to the schools and still succeed. Because no one wins if a business plan is devised that won't work. Has to be profitable. So I can't really divulge confidential information but I can tell you that there are investors being discussed out there and that the people believe that the skill is there.

Mr. Fields: Thank you.

Mr. Howard: Thank you. And we're really making a land use decision but I think, you know, it was a curious question just to understand, you know, the reality of the project more so, I think, right?

Mr. Fields: And again I'm not implying anything.

Mr. Howard: No.

Mr. Fields: But I think we all have to recognize this is a very ambitious project.

Mr. Howard: Yes.

Mr. Fields: That's all. I'm trying to get some clarification so as we understand how we can best ask for, if we need to, ask for different types of features to mitigate different impacts, we understand what is possible and what is not possible.

Mr. Howard: Right. That's right. Any additional questions?

Ms. Kirkman: Yes.

Mr. Howard: Ms. Kirkman?

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Ms. Kirkman: This \$231,000 cash value of the pools that keeps being tossed around, is that the amount the schools are paying now for lane rentals?

Ms. Karnes: No, that is the amount that the applicants have calculated is the equivalent value in terms of the, what is it, the \$121,000 that directly relates to the use of the pool. That is the equivalent value they feel they could earn by leasing the lane and the lane time to private swim clubs or swim teams.

Ms. Kirkman: And is that what our private swim teams are paying when they rent, say, Woodlands?

Ms. Karnes: I don't know what Stafford County's teams are paying.

Ms. Kirkman: Because it sounds like you're giving us what the application's valuation is and I would like to know what actually...

Mr. Howard: Mr. Hess, can you...

Ms. Kirkman: ... is being paid now.

Mr. Howard: ... do some homework to find out what we pay elsewhere?

Ms. Kirkman: And what was the... so the pools was 121, what was the remainder value?

Ms. Karnes: The \$200,000 is attributable to the construct... the design and construction of the two separate pedestrian trails that are paved and lit per the express request of the School Board.

Ms. Kirkman: But what...

Mr. Howard: One goes to Park Ridge Elementary School.

Ms. Kirkman: Okay.

Mr. Howard: The other one goes to North Stafford High School.

Ms. Kirkman: That's what I was trying to understand.

Mr. Howard: Yeah. And then they connect, I guess, at the subject site.

Ms. Karnes: Yes.

Ms. Kirkman: So this would bring customers to the sports center.

Ms. Karnes: It would, but it was at the request of the schools.

Ms. Kirkman: Got it. Yep.

Ms. Karnes: Okay.

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Ms. Kirkman: And then looking at the, and staff may need to respond to this when they're back up next but... so we have a, let me find it, a letter from VDOT that's dated August 17, 2011, and that's where I read the length of the cars, you know, the mile for the left-hand turn on, from Park Ridge Boulevard, Park Ridge, Park Ridge Parkway. And then we have a letter dated September 1, 2011 from the applicant's engineer; do we have anything from VDOT that gives us the new queuing lengths?

Ms. Karnes: There's a two-page memo, I believe, from VDOT dated, I believe, September 7th, that's after that September 1st study.

Ms. Kirkman: That's what I'm looking for because you would think it would follow in our packets after that study and I can't...

Ms. Karnes: I think it was, if I recall when I read mine, but it's a big document.

Ms. Kirkman: It is. Okay, found it at the back. Okay. So instead of those, what VDOT is now saying is that with the things the applicant has proffered and with the additional changes you mentioned, we're still going to have an increase of the line from Garrisonville eastbound through Wolverine Way, from 1,065 feet to 1,789 feet. Does that backup occur in a turn lane or in a through lane?

Ms. Karnes: Okay, now that, that's a... the level of detail that I want to turn over to the engineer.

Ms. Kirkman: Then I have the same question for the engineer regarding the second statement from VDOT which came after the September 1...

Ms. Karnes: Okay.

Ms. Kirkman: ... memo from your engineer that says the Garrisonville westbound left at Parkway Boulevard, the queue will increase from 384 feet to 572 feet. And I want to know where that line of cars is going to be.

Ms. Karnes: And from Wells and Associates, my traffic engineer is Mike Workosky. Should I bring him up now?

Mr. Howard: Yes. We can answer those, get those two questions answered and see if there's any other questions for the traffic engineer.

Mr. Workosky: Good evening. I'm Mike Workosky. I'm with Wells and Associates. Your question... the first question was the eastbound queue on Garrisonville Road would increase, this is during the AM, during the morning peak hour when most of the traffic is going eastbound on 610, would go from 1,065 feet to 1,789 feet, that is in the through lanes...

Ms. Kirkman: In the through lanes...

Mr. Workosky: ... in the through lanes.

Ms. Kirkman: ... not in the turning lane.

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Mr. Workosky: Correct. And if you follow the next sentence, without the mitigation that we're proposing there at the intersection, that queue would be 2,450 feet. So one of the things that I noticed in the presentation that I did not see is there is widening that is in the proffers for Wolverine Way itself, because today it's basically a single lane coming out of the school. There's a short flare at the end but it's very short. That's planned to be widened so that we have additional lanes in there and that will increase the capacity at the intersection but recognizing that most of the green time at those Garrisonville Road intersections goes to the through traffic.

Ms. Kirkman: And then for the next one, the westbound left at Parkway Boulevard in the evening?

Mr. Workosky: Correct, that's the left turn lane. So this is in the evening when that becomes a critical movement for residents and what have you returning from the east. They're in the westbound left turn lane, so that would increase from 384 feet to 572 feet. There is roughly a little over 300 feet there today and there's a median there and a left turn lane that's little over 300 feet. As part of the proffers, that median would be cut back so that that turn lane could be extended. So the follow-up sentence there in that same paragraph, the additional queuing would be accommodated by the extension of the left-turn lane as proposed by the applicant, I think they're referring to our proposed improvement there, which is cutting back the median and lengthening that left-turn lane.

Ms. Kirkman: So that left turn lane will be sufficient to handle the line?

Mr. Workosky: That's correct.

Ms. Kirkman: It won't change the wait.

Mr. Workosky: It won't block the through traffic on Garrisonville Road.

Ms. Kirkman: Right, but on the first one there will be blockage of the through lane.

Mr. Workosky: No, that is the through lane. I'm sorry... you're...

Ms. Kirkman: The first one, the eastbound.

Mr. Workosky: The eastbound. That's in the through lanes themselves, correct. The queue for through traffic going eastbound would increase because we've added not only our site traffic but also we grew the existing traffic by three percent a year, those types of things.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Any other questions for the engineer, traffic engineer, while he's at the podium? Hearing none...

Ms. Kirkman: Oh, oh.

Mr. Howard: One more?

Ms. Kirkman: Not for the engineer, for the applicant.

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Mr. Howard: Ms. Karnes? Thank you.

Mr. Workosky: Thank you.

Ms. Kirkman: Ms. Karnes, you heard that currently there are no indoor 50-meter pools. Is the applicant willing to consider proffering that that would be the length of the pool?

Ms. Karnes: Remember when I was talking about how we had to consider the business model when evaluating the proffers we were making. The applicant has always and still intends to build a 22 lane, 50 meter pool, and they are designing the recreational use to accommodate that. They're reserving the area. They do not feel that they can afford to build it immediately, and so you ask can we proffer it. They do not feel they can proffer it from day one. And they're going to have to wait and see when business allows them to expand the pool. And by the way, probably you guys know this... I didn't... the pool can be added to, so that could be something easily done when business permits.

Ms. Kirkman: I guess my concern is this is being advertised as the Stafford Sports Center, a recreational enterprise with commercial uses. But when you look at the footprint of the whole GDP, and when you look at what's generating a lot of the traffic, it has to do with the commercial uses. And if in fact we're going to take into account the value of the recreational enterprise, part of that value needs to be something that the county could really use, which is an indoor 50 meter pool, which we don't have now.

Ms. Karnes: Mm hmm.

Ms. Kirkman: So that would be the comment I have to that.

Ms. Karnes: Okay.

Mr. Howard: Any other questions for the applicant?

Mr. Hirons: Mr. Chairman, yes.

Mr. Howard: Mr. Hirons?

Mr. Hirons: Proffer 11 addresses, or deals with the swim lanes and offering up the swim lanes to the schools.

Ms. Karnes: Yes.

Mr. Hirons: Was there any similar conversation at all or was it broached at all with Parks and Rec? Not necessarily for swim lanes but for the field use.

Ms. Karnes: No.

Mr. Hirons: So as you said it does provide a needed community benefit. There's also a significant lack of practice fields, competition fields for our recreation leagues here in Stafford County that are either run by Parks and Rec or managed by leagues that have agreements with Parks and Rec to provide these recreation opportunities. If there's any ability, any flexibility, you're going to give me

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the same answer about the business model, any flexibility to work with the Parks and Rec to be able to offer up any field space for practice time, that sure would be necessary both for soccer, lacrosse, a number of sports, baseball, if they're going to have batting cages on these fields. It sure would be awfully helpful, as helpful as it is for the swim teams which, obviously we have a serious lack of swim water here in the county.

Ms. Karnes: Well they... the applicant may end up, at the end of the night, saying they may have to go back and run their model again, but I'll pose that question during the time the public gets a chance to talk.

Mr. Hirons: Okay, great. Thank you.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Did we hear from the applicant, their engineer, on the pharmacy drive-through issue?

Mr. Howard: We can, if you have an appetite to do that.

Mr. Workosky: Sorry. Mike Workosky again.

Mr. Howard: Mike.

Mr. Workosky: We did use the without drive-through because the rates are extremely close between the two. But when you do the actual calculation we got more trips without the drive-through. That being said, we also only applied what we called the pass by trips, so in other words those are trips that are on the road network that would be going in one of the directions on Garrisonville Road. For example, would turn off, come into the site, visit one of the uses, either the fast food or the pharmacy, turn back out onto Garrisonville Road on their way to another destination. We only treated that portion for the fast food restaurant and not the pharmacy trips, so in other words, we assumed all those pharmacy trips to be new trips. And that means none of them would be drawn from the network on Garrisonville Road. Had we assumed that we had the drive-through for the pharmacy, we would have likely also taken a pass by adjustment and we would have taken through traffic off of Garrisonville Road and brought it into the pharmacy. But the rates for both of them are very close, and I understand your...

Mr. Howard: Well, the difference, just so you know in the business model is the drive-through pharmacy the consumer has to come twice. You have to drop the scrip off and then you have to return to pick it up and typically, its 15 minutes to an hour depending on, you know, how good they're working that day. So no matter what happens, it's twice the trip, because it's not like fast food, where you pull up, you get your order completed, and you leave. So you don't really have to return, you know, to get that item. You're getting it all at once. So inherently the model, the business model is designed that way, to get you to come back. A lot of times, people will come back and walk into the store and not even go back to the drive-through. If you come and you go into the store, you will typically wait the 15 minutes, shop around and then leave, so it's really one in, one out; with a drive-through it's two in, two out, for a pharmacy. Not the same for fast food, so. It depends how much volume the pharmacy does at the drive-through, so that's why we challenged that theory.

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Mr. Workosky: The rates are, you know, they're nationally published rates. They're based on driveway counts...

Mr. Howard: Well there's no chain drug store in the United States of America that is going to put a drive-through in if they're going to do less volume.

Mr. Workosky: Right.

Mr. Howard: Right. So that doesn't make any sense. So, they just wouldn't do that. So, any other questions? We're good. Thanks. Appreciate it. Okay, what we're going to do now is open up this public hearing for public comment. So anyone wishing to direct comments about the current public hearing that we have today, which is RC1100077, which is the reclassification Stafford Sports Center, which we've been doing a lot of discussion about, and I appreciate everyone's patience, may do so by stepping forward to the podium. Again just to set the rules, we give you three minutes. The three minutes does not start until you tell us your name and address. The green light will go on, then when the yellow light goes on you still have about a minute left to conclude your comments. When the red light goes on, the three minutes have expired and we just ask you to conclude your comments and allow the next speaker to address the Planning Commission. We will not get into a dialogue back and forth, we will take some good notes and in general we will try and get you some answers while you're here tonight during the public hearing. So anyone wishing to address the Planning Commission may do so now. We just ask you to state your name and address. Thank you.

Mr. Townsend: Good evening Mr. Chairman, Board members. My name is Robert Townsend. I live in the community just to the east of this rezoning action. I'm also the vice president of The Greens of Park Ridge HOA. We've only been notified of this action since September 10th when we received a letter from the county stating of this hearing occurring tonight. We've only had five days to review the proposal once it was posted to the Web site, and obviously we haven't had an opportunity to look at the proffers, or proffers, or however you pronounce the word, that have just been presented this evening. So my comments are based on what we've been able to do so far. First and foremost, the Board members of The Greens of Park Ridge HOA are adamantly against the rezoning action. Surprise! I don't know who the applicant talked to in our neighborhood; we haven't had an opportunity to go around and do a census. We've only had the opportunity, in this short amount of time, to convene our Board to overlook the action and then come with our recommendation. So based on that, I don't know if there's a decision pending tonight or not, but if there is we would ask that you would give us an opportunity to review this, to get with our community and delay any decision that may be this evening. Our interim concern mostly, obviously, impacts to our community. I've seen a lot of studies inside the 408 pages, but I've seen no impact on the community. Obviously we're very invested in our community, and we're concerned about the value properties that this commercial development, or fitness thing, may cause to us. We all know that the housing bubble burst, a lot of our homeowners are underwater on their mortgage, and we're just worried that this would also decrease the value of their homes. I'm going to skip to some of the other things because there's a lot of discussion going on. I had some prepared remarks but most of them seem to be out of date. I mean, there seems to be a lot of undeveloped land in Stafford County. Nobody's arguing that we need a fitness center. The question is, do we need it right next to a residential area that causes us to rezone a piece of property from A-1 to B-2? Isn't there other B-2 properties out there, something also that would be centrally located between North and South Stafford, easy access for both parts of the county? If the Board elects to continue with this rezoning action, some of the proffers that have been presented tonight is what we were concerned about. We would like a large buffer zone between the community,

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we would like a ten foot fence for the length of the community, with no access into our subdivision, The Greens of Park Ridge. Currently there are two entry points and two exit points. It... the whole back end of the property aligns with the tree lines back there. So in conclusion, as I run out of time here, we're against the rezoning action. We understand the want and desire for the sports center, but this is more than just a sports center, with all the other businesses going in up front. So I hope the Board will take our concerns to heart and consideration as you make your decision. Thank you.

Mr. Howard: Thank you.

Mr. Curry: Good evening, my name is Jeffrey Curry. I appreciate all that you do. It's a thankless job but there are those of us who appreciate your efforts and know that you guys will make the right decision in the end. I've been a resident of Stafford County since 2000, when I became an instructor at the Basic School, and then I've worked at headquarters Marine Corps. My family decided to stay here, because back in 2000, Stafford was a growing community. We were promised, throughout the year, several things, to include a pool, to include trails, and then several things have not come through. So as we all know, there's a lot of people, and I'm sure some of you have swimmers, or know of swimmers that are friends of yours that are out there. And we can beat this up all day about not having enough swim lanes, but in the end, having a covered facility that's a pool, that's in North Stafford, that has fields with North Stafford because I'm also... I also coach two teams in North Stafford, two soccer teams as well as having swimmers, it's vital to our community. Not to have it in South Stafford, not to have it in central Stafford, but to actually have it in North Stafford where most of the people live. We've had meetings in the past to where we've voted to retrofit Curtis Park and do that, and that's an option. But it's not North Stafford. And I don't know if you've had a teenager drive down those roads at nights when it's kind of misty, but it's dangerous. Having something on 610, which also offers businesses that will increase revenue to Stafford is a plus. I do understand the gentleman's concerns about having that next to the community, and I hope that all those issues can be resolved to where this facility can be placed here. But again, this is a great opportunity not only for Stafford but for the resident of North Stafford who have sent many swimmers from the swim teams in the community to the zone championships. I know there are some of the families here that competed at Penn State this summer and also in previous months for the short course season. So my concluding remarks is I'd vehemently request that you definitely look into this and try to resolve the issues to get a facility in North Stafford for where the bulk of our residents live and swimming is not only vital as a survival skill but it's, for the wounded warriors who live here, it's also an opportunity for them to use something year round at a facility that's not at Woodlands, because you can't hear anybody talk out there if you guys know that when you go out there and swim, so thank you very much.

Mr. Howard: Thank you.

Mr. Azizi: My name is Fareed Azizi, I'm a resident of Park Ridge, living adjacent to the subject property. I've heard a lot of theories tonight here, but I don't see very much practical facts in that because nobody really talked about the children. The business place is going to be open until 12 o'clock at night, and our kids are going to sleep 8:30. What we do, we have to go be beside to go to sleep? No, it doesn't work. Those opening of stores that are serving alcohol and tobacco, very negative impact on our neighborhood. Traffic will have very great negative impact on that neighborhood. Already we have seen Garrisonville, the last five years, how much the traffic had grown on that road. And you can imagine next five years what's going to happen. All the theories we have tonight is not going to solve that problem. Safety is the main concern of the residents of Park Ridge because we are very close to the subject property, about 20 feet away. No barrier will stop the

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damages which going to take place in that neighborhood. God knows what kind of damages will be. Vandalism, some alcoholic, drunk people running around, more traffic. When we sit down and calculate all these, so many negative impacts which I mention just few of them. And I was not really ready to give a long speech tonight, I thought, I just give the main concern, which is my children, and the home, and the peace of that neighborhood. That's why we picked that neighborhood, because of the peace and quietness. And now we're going to have some disturbance there, I guess nothing is going to resolve that. Thank you very much.

Mr. Howard: Thank you.

Mr. Dixon: Hello, my name is Scott Dixon. When I walk out on my front porch and look left, I'm the second house from the left where the woods would be. I've met with the property owners several times and my experience with them has been very positive and they're addressing the community needs, and so I feel very confident about what they've done with us. That being said, I understand that the resi... that, that piece of property is going to be developed regardless. What I am opposed to, though, is just more residential. I don't want to like, see some, like another townhouse development or apartment complex or something like that that further draws on the tax base and so forth and so on. So I... we do have concerns about the buffer zone. They have been very proactive with meeting with us, and I apologize if you didn't get met with. I didn't even know there was a Greens... I live in The Greens neighborhood, but, so, I knew there was an HOA but anyway. I've had a positive experience with them and they've been... we were very happy about hearing things like they were going to get rid of the emergency thruway that was not... that wasn't going to be good for anybody. Working in fire and rescue, I know that's not needed. But like I said, you know, they sound like they're addressing the buffer zone pretty well, that's one of our areas of concern. We appreciate that they have come and met with us and shown us the overview. I've known about this property coming for a couple years, just through the internet. In my opinion, I think that in the long run it will potentially increase property values of The Greens if it's done right. And in speaking, Mr. Howard, with the gym across the street from us, that was a mismanaged piece of property from the private property owners. They didn't do a very good job at what they were doing. So that has nothing to do with the piece of property going in behind us but, so, that's all I have.

Mr. Howard: Thank you.

Mr. Fetterolf: Mr. Chairman, members of the Commission, Dean Fetterolf. Economic development is the key to Stafford's future, and must be combined with responsible development where we live, work, play and real traffic congestion relief solutions are part of the puzzle. In general, I support this concept, as it'll bring much needed jobs, an indoor swimming pool, and future recreational facilities that the county has ignored for decades, especially since it appears that the Mountain View Y project is no longer viable. I am, however, very concerned about the site access, especially the inter-parcel connector at Wolverine Way. Wolverine Way is a narrow, school bus access loop and not a road. What's to prevent traffic... and no matter where that gate is moved to, it must remain open during the day... what's to prevent traffic from exiting this site, and simply driving through the school parking lot, because that's right where Wolverine Way goes. The traffic analysis indicates a current level of service of F in the morning at Garrisonville, Joyce, and Wolverine Way. Despite the proposed mitigation efforts, VDOT notes in its letter that the project would significantly increase congestion on Garrisonville Road. When the patrons get tired of the 610 crawl, what's to prevent them from entering Wolverine Way off of Shelton Shop, behind the McDonald's, and driving through the school parking lot to get to the facility? The TIA also ignores an emerging problem in this area. We heard of the mile

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long, and maybe now half mile long backup westbound, but westbound traffic in the evening attempting to make a left turn onto Shelton Shop, that traffic volume now far exceeds that stacking lane and the traffic backs up past the DMV and sometimes all the way back to, I think it's Bee View Road or Lane. Every evening, I see eastbound vehicles making a blind left-hand turn across two lanes of traffic to get into the 7-Eleven. I suggest that we remove that eastbound turn lane and then extend that stacking lane for Shelton Shop as part of this project. As I said earlier, I think this is a good project for the community, but we cannot ignore the traffic issues or endanger the school site or students learning with increased noise and traffic. That access on Wolverine Way is just not acceptable. Thank you.

Mr. Howard: Thank you.

Mr. Woodaman: Good evening, I'm Fred Woodaman. I formerly lived in in Park Ridge, and I think I'd like to provide a little insight as to probably why the School Board asked for the foot lane connecting the project to Park Ridge Elementary. Right now there is no safe way for high school students at North Stafford to walk there except for the community that's immediately across the street on 610. If there was a path that connects Park Ridge Elementary to North Stafford through this development, this site, now high schools students, who are all busily stacking on Park Ridge Boulevard to turn left onto 610 and then add themselves to the big stack that turns left from 610 into Wolverine Way would now have a way to walk there to school. Not all of them, clearly, but that... I would wonder if somebody took that into account in looking at the traffic mitigation that went on, into the traffic, in the AM. Because that peak period has to do with the kids getting into school, who are all driving there. I am a swim parent and my kids spend probably about five or six hours a week in the car with Mom driving them, whenever we have the high school swim season. They pack four high school swim teams into about six lanes at Woodlands. I've been in there during that time, it's crazy. It's like 10 kids per lane. This is what the county has to offer those kids in wintertime to swim in, because they want to represent their schools. And that bubble, the stink of chlorine... and the staff is working very hard, they've got fans and all the rest of the stuff. The county needs an indoor swimming pool very, very badly. Fifty meters would be ideal, oh, boy, that would be awesome. But how about just 25 meters? Right now the only covered 25 meter pool with serious ventilation that's a structure is down in Falmouth, at the YMCA down there. So we really, really need this thing. Clearly they need to do something to get better buy in from the local communities, but we really, really need this thing. And I think the economic impact would clearly be the benefit, especially for some of those people who do have mortgages underwater. And if there's a few additional jobs in their community, that would be of benefit. And that's all I have. Thank you very much.

Mr. Howard: Thank you.

Mr. Reyes: Good evening, my name is Gilbert Reyes. I live in the Greens and our property butts up to the woods where this development is going to occur. A couple of things I'd like to address... the obtrusiveness of this proposal and the need for this. Regarding the need, we do have the recreational pool that's across from The Greens next to MinnieLand. That facility closed because the owner passed away and the widow could not maintain that. I love that pool. It's just, it was one of the best pools in Stafford when it was open. I would go there almost daily during the summertime, but there was no one there, and that's what made the pool so nice. So I don't know how much of a need we have for a pool in this area, just because we had one that people weren't making use of. Also, that's something that could be covered. The pool, that is. And it would probably be a lot less expensive to do that than build an altogether new pool. Also, regarding the need for office space for other businesses, etcetera,

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if you go down a little further west on Garrisonville Road near Furnace Drive, there's a shopping plaza there. I think the last time I checked, there's one store there, you know. We don't need more empty office space or buildings. You know, we might want to let that place try to fill up before we build next to our neighborhoods. There is an issue, too, of safety for the students. Because I live there, students from North Stafford go through those woods all the time. They're not going to drive, they're going to probably, if this property is developed, chances are they're going to go further down into the woods to get home into our developments or they're going to cross... take the road adjacent to 610, which is obviously very dangerous. They talked about the impact of traffic, maybe significantly impairing flow on 610. As I come down 95 from Northern Virginia we already see the development of the hot lanes. Well, once that develops, the... I anticipate because it's going to end up on 610 also, we're going to have even more traffic than we have now and maybe that will cause these congestion problems to increase even sooner. You know, and again the facilities further down aren't as close to residential areas as this facility is. Another thing I want to talk about is the obtrusiveness. You know, we have woods there. This parking lot is obviously going to change a lot. Many of us in this community are in bed, eight, nine o'clock and we're up at four in the morning. See... hearing lights, cars, etcetera until midnight is going to affect us negatively. You know, this commute dictates our lives, for those of us who have to go up north to work, sleep is imperative. We have to have that. We moved to this area 10 years ago...

Mr. Howard: You're at your concluding comments.

Mr. Reyes: Okay. And we like the ambience of the area and we don't want it changed. Thank you.

Mr. Howard: Thank you, sir.

Ms. Rossin: Good evening, my name is Melissa Rossin, and we're on our third year living in Stafford. And my family and I are in favor of this sports facility. There is a great need for this, and it will have a positive impact on families and it will improve quality of life. Families want to stay close to home for weekends and weeknights, and not commute to see their children's activities so I feel like you'd be doing a great service to the families you represent by putting this through. Thank you.

Mr. Howard: Thank you.

Mr. Smihal: Good evening, ladies and gentlemen, Jeff Smihal. My bedroom window will be facing essentially what I assume is going to be an empty parking lot behind this facility. I challenge each and every one of you, and I'm sure a lot of you have done it, maybe do it every day, like we do. Drive up Garrisonville Road from 95 at rush hour on a day, and then drive back to 95. Then when it's, sometime when you don't have as much traffic, drive and look around at all the empty buildings, the empty restaurants, empty office buildings, and it sounds like what we're proposing here, other than these sports recreation centers, more of the same. We have two CVSs within a half mile, right across the street from where we're now talking about another pharmacy. We have restaurants that are closing all the time. We have fast food. I agree that we need this pool and this indoor facility. A lot of the people have come up here supported that. I support that. I don't support it in my backyard. I moved down here from Alexandria, Northern Virginia to get away. I grew up in Ohio where things are a little bit slower, traffic and the way of life is a little bit slower, and that's what I appreciated about moving to Park Ridge. We had woods behind us, you had kids playing in the neighborhood, running around in the woods, and that was great. To echo on my neighbor Gil, who was up here two people ago, sleep is certainly an issue for me personally. I work 24/7 in federal law enforcement. I'm on call. Sometimes

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two, three o'clock in the afternoon is the only I get sleep. If we're going to have people, traffic driving through parking lots, horns, people walking through there making loud noise, lights at night, that's going to impact me personally, but I think it's also going to impact the neighborhood in general and I appreciate the time. Thank you very much.

Mr. Howard: Thank you.

Ms. Simpson: Hello, Board, my name is Heidi Simpson. And I'm also a representative of the Stafford County Parks and Rec Commission for the Rock Hill district. And I see some fellow members and former members, hello. I just wanted to make few brief comments and also comment on some of the recreational aspects that were brought up for questions that you asked with regards to this project. First off, about the school lanes. Initially the schools were receiving free use of the Woodlands pool but as of the last two years they've been paying the standard lane fees for use, so that should be taken into your consideration with the proffers that are being offered to you. Because we, as residents, if our kids our swimming, we're paying for it. And we're paying taxes for it as well, because Woodlands is run by the county. Another concern was about the alcohol, and I just kind of want to touch base on that. Right across the street was a private gym. Initially, that gym was the community center for Park Ridge and then it ended up going defunct because alcohol was being served there or proposed to be served there so then it was brought out, bought out by a private investor. So I'm kind of confused by how the community feels by having another sports facility that might or might not serve alcohol would increase crime and be detrimental to the community when they're promoting a healthy lifestyle. And they previously had a similar business in almost the exact same location. Also, we would see a big tax increase by having such a venue because we attend many swim meets in other areas, such as Blacksburg, which built a large facility, and then the first year they brought in \$1.5 million in tax revenue from having swim meets, just swim meets. And not even a sports field complex. We drive to Fredericksburg to Field House, as well as to other venues throughout the year and... my time's ending... and thus far, Parks and Rec, we've been looking for parcels in North Stafford where the bulk of the community is and we haven't found any to make any land Park and Rec developments. And I think that's all my time.

Mr. Howard: Thank you.

Ms. Woodaman: Hi, I'm Michelle Woodaman. I am also an employee of Stafford Aquatics Team. I wasn't going to speak, but there's three comments that I wanted to address. First of all is the pool over at Park Ridge. We looked at that a couple years ago; it's not suitable for a swim team. The deep end, to the other side, is only 20... it's 25 meters, but it's too shallow on the far end to do flip turns. On the other side, it's 25 yards, but it's too shallow to do starts. So it's not a good pool, competition wise. The second comment I wanted to bring up is the traffic and the disturbance to the community. We can't forget that Woodlands is in the middle of a community, and it has, what, three year-round teams and five high schools. And then you have summer league. So there's a lot of traffic that goes in and out of there, so maybe those are people to speak to, to get a sense of the impact. And finally, and this is very serious to all of us, several years ago, the county challenged all of us to step up, spread the word to try and pass that bond referendum, and we did. And the bond referendum was passed. So there exists a mandate in our community to do this, but we haven't been able to do this. And we are so fortunate to have private investors willing to step up and do what the county's not able to do. So I ask you to consider that mandate and allow these people to do what the county cannot do. Thank you.

Mr. Howard: Thank you.

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Mr. Comer: Good evening. My name is Randy Comer. I've been here almost 13 years now. I want to address a couple of issues that have been brought up while we've been talking here. I've heard crime kicked around, okay, we're going to have more crime, more crime. Keep in mind, please, if you would, it's a commercial venture, okay. The investors, they have a lot of money invested in it, so they're not going to let that crime come in and take away from the attractiveness and the usefulness of the facility. That's money out of their pocket, so, you know, that's not going to be in their best interests. So I trust that they would not allow that to happen. Secondly, you know, as, ones that have concern and as the decisions are being made, you've heard others talk about other facilities, the one in Blacksburg, I know there's a nice facility down in Newport News, you know, if you really want to figure out how other communities have done it, the benefits that they've gotten out of it, there are lots of other examples out there of those. I'm voicing my support for it. I've got three girls, my third one is, my younger two are currently still in the program. It's very focused on them, we've heard a lot of, or excuse me, they're discussion's been focused on the youth, and that's great. I know where they're at, I know who they're with, I know what they're doing when they're going to the swim meets or the swim practices, this kind of thing. I also know that they're not on 95 having to go to Fredericksburg, down to the field house, wherever else they need to go because we don't have the type of facilities that we need here in town. But also, if you look at the rest of the community, there's very few, you know 60, 70 year olds that are out playing football or basketball or soccer or whatever it is, but you will find them at the pool swimming. So not only does it give us something for the youth, but it also gives us something for the rest of the community as well. The other thing is what are our children doing is they're using the pool and the other facilities, especially the pool. They're learning a lifelong skill. It might save their life one day. It might save our life one day. So those are the things that I would ask you to keep in mind as the decisions are made here. Yes, it's ambitious, but we have the investors that are willing to do it and it will definitely be worth it for the citizens of Stafford County. Thank you.

Mr. Howard: Thank you.

Mr. Rexroat: How ya doing? My name's Kevin Rexroat. I've... I was one of the ones who communicated with Debrarae as far as some of my concerns go. My house is going to back right onto this property. I just came back from a soccer game, I'm not against sports. Some of the things that actually have been brought up here. I appreciate the proffers, the developers have been willing to come back and forth with things like fences and that is much appreciated. But right now here's my big concern, safety. Now when you talk about crime, I'm talking about crime at my house. Somebody could pull up a car in an empty parking lot and they'll have direct access to my home. So I'm not so concerned with the crime at the commercial businesses, I'm concerned with the crime in our neighborhoods. Right now, it's a long walk for people to go through woods, if this parking lot's put up, yeah they're going to have a 50 foot barrier snake through there right in our neighborhood, steal things. So that's one of my issues. You know privacy as far as noise, luminous pollution, that's another issue. But after listening to everybody, I think a primary concern right now is that this may not be a well-funded project. I mean, we're hearing, well we have good investors, but yet we can't build a 50 meter pool, and it's all about the pool. So what kind of guarantee is we're going to have that this isn't just going to be dug up, a pharmacy's going to be put in front of the road and we're going to left with a half-finished project like we have at the Aquia Town Center right now. That looks like a big pile of rubble. I know it's in progress but, you know, but we know it's stopped and started. So I would ask the Board to take into consideration the funding, the business experience, and, you know, maybe ask for a bond referendum. As far as the community, I'm kinda curious. This is it for supporting a swimming pool? I was expecting people to be out here in large numbers and it doesn't seem that way to me. Thank you.

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Mr. Howard: Thank you.

Mr. Miller: Mr. Chairman, members of the Board. My name is Craig Miller. I'll back up to this property. One thing I'm very adamant on is no alcohol, period. No business, no special license, nothing alcohol related should be around this community, around that sports complex. Sports and alcohol don't mix. I've officiated it, I've thrown people out, I've called the police on it. It doesn't work. No establishment should have a license for alcohol, period, around that complex. I am concerned about the buffer. Ten foot wall? Yep. Not scalable? Yep. Something they drive through if they're drunk and doing donuts? Definitely. What prevents this from becoming a commuter lot? What's going to stop people from, hey, I can pick up all my buddies, we'll just leave our cars there. The water issue. They said, according to the study, there's a 12 inch pipe that supports our community. Good days, I've got decent water pressure. On bad days it dribbles. Now I'm going to support a pool? Restaurants, pharmacy, fire sprinklers, fire hydrants, what's going on with the water line? Also, my fence is on top of the berm that's going to be between this. We set up another fence, now we have, is that creating new a watershed? I see it becoming a new trash fixture. Anybody walks up the fence, there's my stuff, they chuck it, it's now, this whole berm buffer area is going to become a trash dump. It's gonna fill up with junk. Who's going to be responsible for cleaning that out? That's dumping stuff right back into our environment. Sidewalk maintenance and trash, I can see, you know, people drop stuff. It happens. You have businesses, you have windblow. Things fall around. Where's it gonna all end up, and who's gonna pick it up and who's gonna pay for it? And I'm also, the location of frontage road. Yeah, there's a lot of empty open fronts on the opposite side of the road. Big sign B-2 area for sale. Lots available, build the suite. Great place to put this. Still North Stafford area, still easy to get to, there's even a light there already. Building more for the community, making more jobs, more money. I agree with that 100 percent. The lighting, I am concerned with that. On a bad day, I can just see the North Stafford football field lights. On a bad day, I might hear the football team score a touchdown. You cut half them trees out of there, now what am I stuck with? I'm hearing all this, I'm seeing more of it. You've got to adjust the lighting so it's not in my bedroom window, because it does face that particular way. Those are things I'm concerned about. Like I say, I believe in the concept of the idea, but once again, if they lose their funding, we have a dinosaur in our backyard that this community has to pay for. Our taxes go up and what part of this plan, because I didn't see it in there, tells me the impact on my tax base, for my property? Thank you very much.

Mr. Howard: Thank you.

Mr. Younger: Good evening. My name is Sid Younger. I am also a Board member of the Homeowner's Association for The Greens of Park Ridge. You've already heard from some of our members and also from our vice president of our Homeowner's Association. And we do have a lot of concerns. It's going up in our backyard, so to speak. One of the concerns would be the existing foliage and how that will be impacted by the construction of this facility. The other thing I heard was eight foot fence, I heard fence. Usually a fence, to me, refers to a wooden structure or possibly maybe a cyclone fence. That would destroy some of the value of our homes, putting a cyclone fence or a wooden structured fence behind the homes. I would consider a look at the possibility of some type of fencing that's ten feet in length, cannot be scaled, and has an aesthetic value which would add to our properties. In addition to that, I heard a buffer of, I can't remember exactly how many feet but we were considering, if it happens, a 15 yard buffer between our property line and the fence. In addition we would like to possibly have the individuals that are going to put this facility in, or plan to put this facility in to maybe come and meet with our Board members so that we can discuss this further and try and reach some resolution where it would be acceptable to our community. I've heard a lot of other

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people here, but they do live in the backyard where we live at. In closing, I would like to say that... I'll go ahead and leave it at that. Thank you very much.

Mr. Howard: Thank you.

Ms. Warren: Good evening, my name is Barbara Warren. I do want to thank you for your service. I'm going to keep this short. I hope I'm coherent. Last week I was in Fredericksburg all week long because I was driving my swimmers to swim practice. I do appreciate it in the winter time, though, because I get to do my Christmas shopping in Fredericksburg. It would be nice probably if I could bring that up here to Stafford and shop at this Kohl's and this Target instead of down in Fredericksburg. I would love to keep my swimmers up here in Stafford. Also tonight I had to drive my son down to soccer practice at Pratt Park. You know, living up here in North Stafford, I could've used common sense and said, well, it's probably canceled, but you know, weather could be raining here and dry there. So I drove all the way to the 17 intersection and said you know what, I'm not going to chance it; I'm sure it's canceled. I turned around and wasting an hour of my time because I live in North Stafford, but being a Stafford resident we have to drive everywhere for our sports. We moved here 10 years ago, my husband is retired military. We chose Stafford because our priority is our children. We wanted education and we wanted opportunities for them. Saying that too a lot of the topic is crime. If you know children in sports, they are usually less likely to do crime. So I think by being able to keep our children in Stafford busy by having more facilities for them to keep busy is going to help cut down on crime. Also, I'm a registered nurse and diabetes educator, diabetes is huge for children nowadays. We need to find exercise for them to do. And this is going to be an opportunity for that. So thank you for your time.

Mr. Howard: Thank you.

Mr. Estep: Mr. Chairman, Commissioners, my name is Mike Estep. This proposal's literally going into my backyard. A bunch of good things that were brought up to you, a couple things I want to emphasize from my perspective is number one, I have a 13 year old daughter who loves to play field hockey, loves to swim, so this type of a facility, in and of itself, the concept, having it somewhere close to our neighborhood and this community, I welcome that. That said, the project being right in my backyard, a bunch of folks has already brought up the issues about safety, security, privacy. I would like to emphasize in my mind that is a must in my mind. And that being said, the existing tree line in the buffer zone, I haven't heard anybody talk about that. Please don't cut them down. Notwithstanding eight foot, ten foot fence line, the developer offering to keep the 50 foot buffer zone versus a 25 foot, that privacy is imperative as far as I'm concerned. CPTED, the Crime Prevention Through Environmental Design, that fence that Sid just mentioned about, that's also obviously aesthetically pleasing but also, they're the type of fence lines that you can put in that makes it difficult to negotiate. So that's a critical piece, and certainly not the type of fence line that will draw or attract trash and devalue our property value, I should say. That said, one of the other concerns that I have is that pathway, that existing pathway that's right next to my house. Literally that's the pathway the students use to traverse to get to North Stafford High School. And obviously, as I understand it there's going to be a proposal for a walkway there as well as that walkway that connects to Parkway, the elementary school, Park Ridge. That said, that's certainly going to impact our privacy because that traffic, that foot movement's gonna dramatically increase, and I will tell you whether the establishment stays open until midnight or otherwise, certainly during weekends, especially during summer times, that noise value is gonna be... it's gonna be unbearable because even now we have problems with those students walking back and forth in the wee hours of the night. Whether alcohol is involved or not, sometimes it

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does. Stafford County has responded to our residence to deal with those type of kids. But again, generally speaking I certainly welcome this type of a facility, but those type of things that deals with the safety, security and privacy issues is a must, especially for us. There are 105 homes in The Greens at Park Ridge and by golly, I can appreciate everybody else wanting it but that issue, I am adamant that I would hope that you guys would support to protect us in that way. Thank you very much.

Mr. Howard: Thank you.

Mr. Cavalier: Good evening. Jack Cavalier. First of all I do want to take the opportunity to thank Ken for his time of service both to the Planning Commission and on the Board of Supervisors which I was honored and privileged to serve with you, sir, as well as Mr. Fields, for two terms. We had a lot of fun. Parks and Rec, always one of my favorite topics when I was on the Board. I didn't come here tonight to speak, I haven't met the applicants. So... but I felt, after sitting and listening all night, I needed to say something. And so, the county as you well know has been unable to build a recreational facility for one reason or another, through referendum issues, through failed negotiations with the YMCA and some other developers. It just hasn't worked out. I applaud this applicant's courage to come forward and propose this venture, because it's going to be tough, as some of you have asked about operational questions. But I think a lot of these swim parents have been here, I also am a swim parent. My daughter is now an All-American swimmer at the University of Virginia. She'll be competing for a spot on the Olympic trials... or on the Olympic team in the trials next summer. So she's grown up in Stafford County and swimming in these facilities here. And when she got to the higher levels she had to leave Stafford County. She had to go to Prince William County, she had to go to Fairfax County. And she's swum all over now but we do need this facility in this county. And it's going to be a win-win situation for us because not only does it aid in terms of the community and the school by the tangible and intangible benefits there, but it will also provide tangible benefits, I believe, through the commercial aspect, especially for added tax revenue that is much needed in this county, as you always well know. Sure, there's always downside to every project, but I think these guys deserve an opportunity.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission during this public hearing may do so now by stepping forward to the podium. Seeing no one making a move for the center aisle, I will now close the public comment portion of the public hearing and bring it back to the Planning Commission for additional discussion. Anyone have any additional...

Mr. Fields: Mr. Chairman?

Mr. Howard: ... questions for the applicant or staff? Mr. Fields?

Mr. Field: Actually, I guess to staff or primarily to staff, if they can't answer it, if somebody else can. I haven't really been on, completely in the loop on the North Stafford YMCA, but people have referenced that, including Mr. Cavalier. Is that now apparent... is that completely not going to occur or is it just now a very long or undefined hold? Do you know, Mr. Harvey?

Mr. Howard: Mr. Harvey. This is the Mountain View YMCA?

Mr. Fields: The Mountain View YMCA, yeah.

Mr. Harvey: I do not know, I'll check into the status of that.

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Mr. Howard: I can tell you the sign is still up. I'm not sure what that means, but I drive by it every day.

Mr. Fields: I mean I understand, believe me I understand the difficulties involved in building and financing a project of that magnitude. But it does have some bearing on the general context of what we're considering here, if that project is still under consideration, just like everything else, because of the economy suffering an economic impasse or have people actually really kind of decided that it's not going to be a reality on a fairly serious level.

Mr. Howard: Yeah, I am not sure what the status is.

Mr. Fields: That would be helpful.

Mr. Howard: I just want to thank all the people who spoke this evening. I know there were differing opinions, you were very respectful. That's always appreciated and certainly helps, I think, facilitate good government. And the goal here now is to obviously sort through some of the comments and questions you brought up, certainly the fence height, the fence material seem to be of importance. The buffer in terms of if trees get cut down will they be in the buffer, not in the buffer, I think those are all good questions, and answers we'll try and get for you this evening with the applicant still here. So is there any other... why don't we bring staff up first. Mr. Hess?

Mr. Harvey: Mr. Chairman?

Mr. Howard: Mr. Harvey.

Mr. Harvey: Normal procedure with your by-laws is to allow the applicant to have a rebuttal to the citizens...

Mr. Howard: Well I was going to ask if there is any additional questions of staff before we... the applicant's definitely coming back up...

Mr. Harvey: Thank you.

Mr. Howard: Does anybody have questions of staff? Yes, okay. Mr. Hess.

Ms. Kirkman: And this may either be for Mr. Hess or Mr. Harvey. The Clift Farm rezoning, didn't that have provisions for an aquatic center in it, or am I incorrectly remembering some former iteration of that?

Mr. Harvey: Ms. Kirkman...

Mr. Howard: Clift Farm Quarter project that came before us that we ultimately sent on to the Board of Supervisors, which I don't think is on their agenda for quite some time, but that also had some athletic facilities, both fields and, I think, an aquatic element.

Ms. Kirkman: Well that's what I'm trying to...

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Mr. Harvey: Yes, Ms. Kirkman, Mr. Chairman, that proposal had an option for 14 athletic fields, they were outdoor fields. There was not an aquatic center proposal with that.

Ms. Kirkman: Okay, that was another iteration of it?

Mr. Hiron: Mr. Chairman, I believe the community... one of the community amenities was going to be a competition level pool.

Ms. Kirkman: So there is a pool associated with the project.

Mr. Howard: For that particular homeowner's association.

Mr. Hiron: Right.

Mr. Howard: Right.

Ms. Kirkman: Competition level, which does imply other than the community will be using it.

Mr. Hiron: Which will add to the county's inventory of pools...

Mr. Howard: Sure.

Mr. Hiron: ... as a whole, which is great,

Mr. Howard: On the eastern side of the county, sure.

Mr. Hiron: But it's an outdoor pool. Yes, and south.

Mr. Howard: Okay.

Ms. Kirkman: And then one of the speakers brought up the possibility, and I wasn't quite following if this is possible now or if it's the project itself that will either make it possible or create sort of traffic flow incentives to actually cut through the school parking lot. Do you know...

Mr. Howard: Was that discussed and was there any discussion on would they, would they pay for any traffic calming devices to deter that, so that would include things like speed bumps or, you know, other traffic calming devices that you could actually put there to really discourage that vehicle movement.

Mr. Hess: Right, I would have to defer that to the applicant's engineer, traffic engineer on that one.

Mr. Howard: Okay.

Mr. Hess: But I don't recall any conversation about traffic cutting through Shelton Shop on Wolverine Way to get to Garrisonville Road.

Ms. Kirkman: And then I read through the proffers again, and perhaps it's in here but I don't see anywhere in here a proffer that the pool will actually get built and will remain open.

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Mr. Hess: Okay.

Ms. Kirkman: Is that in there somewhere?

Mr. Hess: I do not believe so.

Ms. Kirkman: Okay, that's all for now.

Mr. Howard: Okay.

Mr. Hirons: Mr. Chair?

Mr. Howard: Mr. Hirons?

Mr. Hirons: I have one thing for you, Joey. This isn't necessarily the world's greatest comparison because the locations aren't the same, but the type of facility is similar. Would you be able to touch base with Fredericksburg to get maybe some crime information in and around the Fredericksburg Field House? And the only reason I ask that, it's something to what we received tonight for the hotel application. The only reason I ask that is because it is a similar facility, similar to types of use, and the Fredericksburg Field House does serve alcohol. They have a tap there at their little snack bar now.

Mr. Howard: They serve Fredericksburg's Finest from the Blue and Gray Brewery.

Mr. Hirons: I reserve my right to remain silent on that issue. In this case, to that point, actually, I hope the applicant will be willing to proffer, at some point in this discussion, not selling alcohol within the recreational facility.

Ms. Kirkman: Could I just ask, with the Field House, does that also have this size of a commercial development with it?

Mr. Hirons: It does not have a commercial development.

Ms. Kirkman: Yeah.

Mr. Hirons: So there is... as I started, it's not a great comparison, it's not near residential, it's in a good location because it's out in the middle of nowhere, there's only the airport around there.

Mr. Howard: It has a bank with a drive-through on the front...

Mr. Hirons: And there is a Wawa.

Mr. Howard: And it's probably the busiest, second busiest Wawa in Fredericksburg. The first busiest is at Central Park, but that is their second busiest store.

Mr. Hirons: I think it would just might be interesting of... to find out types of crimes that are possibly generated from the facility...

Mr. Howard: Yeah, that's a good question, if they have any stats.

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Mr. Hirons: But prefaced with it's not a realistic comparison.

Mr. Howard: Different environment, yeah, different environment.

Ms. Kirkman: I did, I remembered the other question I was...

Mr. Howard: Okay. Ms. Kirkman?

Ms. Kirkman: I guess, Mr. Hess, I'm wondering how staff decided to characterize this project for the proposed use as recreational enterprise with commercial uses. I remain troubled by that because a lot of the focus is on the pool, which we now know there's no guarantees will be built, and yet when you look at the impact statement, what generates by far the most traffic is the commercial component. And so I'm concerned that this is being portrayed as an aquatic center with, rather than what it really is, which is, the whole thing is for profit and the whole thing is commercial. So I'm wondering just what staff's thinking was in characterizing it the way they did.

Mr. Hess: I mean it's, more or less, you have a recreational enterprise that has the pool, it has indoor fields and it has the commercial that will support those uses. So that's why we said recreational enterprise with commercial uses, if that's what you're looking for as far as our description.

Ms. Kirkman: Right, I'm wondering why it isn't more along the lines commercial uses with recreational enterprise.

Mr. Hess: I mean I imagine they go hand in hand. I don't know, by saying one in front of the other...

Mr. Howard: I don't think there was an intent to...

Ms. Kirkman: Well that's...

Mr. Howard: Yeah.

Ms. Kirkman: ...why I was trying to see if there was any thinking...

Mr. Howard: I think all along most people know that's a for profit, you know, enterprise, and it should be. They're welcome to do it, they're putting a lot of money, you know, into the project, so you need a return on the investment.

Mr. Rhodes: Mr. Chairman, I would just note that 85 percent of the square footage in Phase 1 is the recreational enterprise and 15 percent in Phase 1 is the commercial...

Mr. Howard: Commercial.

Mr. Rhodes: So I would have no problem with the ordering of the statements.

Ms. Kirkman: And Mr. Chair, I guess if we want to go down that road what I would note is, if you look at the footprint of the GDP, that it's nearly evenly divided between the commercial component and the recreational enterprise.

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Mr. Howard: Alright, we'll bring the applicant up for their opportunity to address any, you know, concerns they may have heard from the citizens that are here. And I'm sure we have some additional questions for you, Ms. Karnes.

Ms. Karnes: Good evening again. Let me address a few of the questions raised by the citizens. First of all, lots of comments about the fence. The proffer says the fence will be eight foot board on board. Why eight feet? That's the maximum allowed by the county, and that's what was requested by Mr. Hess. Board on board, it will be a good design. We did not proffer colors but if that's the citizens' wish, we will. Okay. Moving on, proffers address lighting, providing that all lighting shall be directed downward and not hit Garrisonville Road or any residential properties. The buffer area is... there is another proffer dealing preservation of with existing vegetation to the extent practicable. And more to the point, the county's regulations require the applicant to install a certain amount of landscaping. And for pure economic reasons, the applicant wants to retain as much existing vegetation as possible in order to reduce his costs. As to some of the other citizen comments, concern was raised about the two entry points for emergency vehicles. That has now been deleted. Concern has been raised about the pedestrian access along those points. That has been deleted. The two pedestrian paths for the schools are away from the residential community. Questions were asked about Wolverine Way, particularly, and whether Wolverine Way is up to that amount of traffic. Well first of all, the proffers include commitments to improve Wolverine Way. But in addition it funnels the traffic through the inter-parcel access into the property. There is a fence that will block traffic going into the school area when school is not in session. Obviously, traffic has to enter for schools... students to attend during the day. Also, at least one citizen again raised the question of VDOT comments and I would just urge everyone to remember that there were four iterations of VDOT comments and I believe some of the citizens were quoting earlier renditions of VDOT comments that involved a larger building program. We are more than willing to continue working with the community and to continue meeting with Parks and Recs to define how else we can supplement our assistance in this matter. I will note that the staff report does include our impact statement, which talks about the value resulting to the county from this commercial use and the impact, in fact, will be significantly more than if this is developed as its by-right, A-1 use or even as a residential property rezoned for another single family, residential development. What other questions can I ask...can I answer?

Mr. Howard: Ms. Karnes, in relation to some of the traffic questions that came up, there was a comment made about the left turn lane on the eastbound, in the eastbound direction where you would make the left and turn into the 7-Eleven. The other issue there is that's actually the Department of Motor Vehicles also at that intersection there, albeit a T-intersection. But was there any discussion about leveraging that median or manipulating that median? I know it was just done recently when the McDonald's and the CVS redid the intersection, they both kind of chipped in and put some tapered lanes in it and did some things. But was there any discussion to continue that or leverage, you know, manipulating the median. I don't think you can eliminate the left because that's how you get to Motor Vehicle. 7-Eleven, by the way, was approved to relocate a tenth of a mile from that location so the likelihood of that happening is probably good. So that will create less left turns but again, we have a state office there that needs that access. But was there any other discussion about trying to mitigate, again, the eastbound traffic that will occur as well during certain periods of time because of the high school conflict or potential conflict?

Ms. Karnes: I want to address that to the traffic engineer.

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Mr. Howard: And then maybe you can clear up the... you mentioned earlier that the, you're doing some mitigation, there's some mitigation occurring in the through lanes, which I didn't completely understand.

Mr. Workosky: There is no mitigation in the through lanes.

Mr. Howard: Okay, so . . .

Mr. Workosky: The mitigation relates to the, really to the side streets on Wolverine Way itself and on Parkway Boulevard.

Mr. Howard: The expansion of number of lanes, right?

Mr. Workosky: Correct.

Mr. Howard: Okay.

Mr. Workosky: And then working the traffic signal timing so you have the most efficient use of the time. In other words, when left turns are being made, for example, on westbound Garrisonville Road, there would be an arrow for right turns to be made coming out of Wolverine Way. That helps facilitate those movements and reduces the queue. Your question related to, just so I understand, is it's Shelton Shop to the west...

Mr. Howard: It's from Shelton Shop to Wolverine.

Mr. Workosky: Yeah, we didn't have any discussions about how those, that median or access...

Mr. Howard: And what about the right-in? Is there a tapered lane, is there a turn lane...?

Mr. Workosky: The right-in?

Mr. Howard: There's a right-in, right-out for the subject site... on 610.

Ms. Karnes: The main entrance.

Mr. Workosky: Correct, yes. There's a right turn lane.

Mr. Howard: What's the length of that turning lane? And what's the distance between that turn-in lane to Wolverine?

Ms. Kirkman: A 200 storage and a hundred-foot taper.

Mr. Howard: Say that again?

Ms. Kirkman: It's a 200 storage lane, so I guess that means the line, and a hundred-foot taper.

Mr. Howard: So it's a hundred-foot taper...

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Mr. Rhodes: Plus 200 storage.

Mr. Howard: Plus 200 storage for overflow so people can back, if there's backup.

Ms. Kirkman: But it's still in a . . . it looks like...

Ms. Howard: That's what I wanted to understand. Is that...?

Mr. Workosky: The right turn, the eastbound right into the right-in, right-out entrance is 200 feet long storage and a hundred-foot taper.

Mr. Howard: So the 200 foot long is in the through lanes?

Mr. Workosky: No, it's a separate lane.

Mr. Howard: Okay. And then it's tapered even further, after 200 feet it's tapered even further to an additional hundred feet to make that... it's kind of like a pork chop probably, right?

Mr. Workosky: No, you don't really... you don't really... There's a taper that puts you into the right turn lane but you really don't need a...

Mr. Howard: So it's a 200-foot right turn lane, okay.

Mr. Workosky: Yeah, you don't need a pork chop.

Mr. Howard: No, you don't. Alright.

Mr. Workosky: You have got a median dividing the road.

Mr. Howard: Right, okay. Alright, thank you.

Mr. Workosky: Is there anything else?

Ms. Kirkman: While you're on that page...

Mr. Workosky: Okay.

Ms. Kirkman: So I'm looking at the inter-parcel connections and still trying to understand this issue of cutting through the school parking lot. And while we heard that it'll be fenced when the school is closed, that is not very much time, because the school has after school activities. And when you all were doing your traffic impact analysis, did you look at this issue of potential cutting through the school parking lot?

Mr. Workosky: No, we...

Ms. Kirkman: Because boy, I know if I could find a way to stay off Garrisonville Road I'm sure gonna do it.

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Mr. Workosky: I understand the statement that was made, I mean, I'm not... you know, I think, it appears to me that it would be more circuitous to try and cut through the school parking lot than...

Mr. Howard: It's not an easy movement, and then when you get out to the Shelton Shop portion of that, it's very difficult if you want to make a left down Shelton Shop. It's very, very tough left. There's no light there. So you're coming out, really, into open space where there's a lot of traffic. It's a six lane road that you're coming out into that you have to make a left.

Mr. Workosky: I mean, that wasn't something we specifically looked at because we didn't perceive that to be an issue.

Ms. Kirkman: And then, not for you but while we're on this page for the applicant. So a couple of the residents raised concerns that, it looks like Wellington Drive, there's a pathway that goes from... from the commercial development into Wellington Drive and the same for Kimberly Drive, is that correct?

Ms. Karnes: Yes, and those are the two emergency access for fire and rescue that we have now proffered to delete.

Ms. Kirkman: So those are deleted.

Ms. Karnes: Yes.

Ms. Kirkman: And has fire and rescue... are they okay with the deletion of those?

Ms. Karnes: They are okay. I met with Andrew Milliken late last week and confirmed that that would be perfectly okay.

Mr. Howard: Ms. Karnes has said that in her opening comments to us.

Ms. Kirkman: Right, I'm just...

Mr. Howard: You're confirming, yeah.

Ms. Kirkman: So you're going to revise the site plan so those are no longer on there? I think we need that.

Ms. Karnes: If that's your wish. I will point out that I've drafted the proffers so we don't need to do that, but we'd be perfectly willing to.

Ms. Kirkman: Just so the residents know... you know, can look at it and see that's that's no longer on there. Then the people that spoke in favor of this application all cited the pool as the reason why it should be approved. What guarantees do we have that the pool will be built, and what guarantees do we have that it will stay open?

Ms. Karnes: The applicant told me just now that he's willing to authorize a proffer that there will be a pool built in the recreational enterprise use and I'd be willing to, you know, either write that in right now or revise it. I don't think any business anywhere can proffer to continue in business forever.

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Ms. Kirkman: Well could the applicant look at... where they're going to make a boatload of money is off the commercial component of this and perhaps the applicant could give some consideration to using some of that to subsidize the pool to keep it open because getting it built and keeping it open are two different things. I'm glad to hear they're willing to do some guarantees around building it, but we gotta keep it open as well, to derive the community benefit. So if you could discuss that.

Ms. Karnes: We'll certainly discuss it.

Mr. Howard: Are there any other questions for the applicant?

Mr. Hirons: Mr. Chairman?

Mr. Howard: Mr. Hirons?

Mr. Hirons: Is there something unique about this particular parcel for this facility? This gets to the question of what many of comments about why here when there are other advertised parcels already zoned B-2.

Ms. Karnes: Well, you know, Mr. Hirons, I think it is an excellent location for this facility, because it is in a major commercial area. Even the comp plan designates it as a commercial strip providing access to the residents of this very populated community within the very close vicinity of two high schools. One of the issues we looked at when looking at serving the high school students was how long it would take to bus them to the afternoon free swim time and it is within 15 minutes, I understand, of at least two high schools, and right next door to one.

Mr. Hirons: And the applicant, they don't currently own the property, correct?

Ms. Karnes: No, they don't.

Mr. Howard: Ms. Karnes, is there anything else you wanted to clear up that you heard from the citizens before we bring it back to the Planning Commission?

Ms. Karnes: I think, overall, the applicant is, number one, mitigating the traffic impact, number two, mitigating the impact on the adjacent commercial, and number three, this is, I think, a significant contribution to Stafford County in terms of building a needed resource and bringing significant potential revenue from regional and statewide athletic events to the county.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Thank you.

Ms. Kirkman: I have an additional question for her.

Mr. Howard: Sure.

Ms. Kirkman: I just want to follow up with what Mr. Hirons was inquiring about and thinking about the suitability of the location of this project. This seems like a great project to be located inside one of

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the urban development areas and particularly given that the applicant does not own the property, why hasn't the applicant considered locating this inside one of the urban development areas?

Ms. Karnes: I do not know the process they used to rule out other areas, but this is... I think, a development that is needed now and hopes to move forward pretty rapidly. If you can see some of the urban development areas, number one, they all have to be under one ownership, number two, I'm talking specifically about the provisions in the P-TND ordinance. One ownership... under one ownership and control. And finally, it's taken, what, two, three years to see any UDA application come to fruition. And we've only seen one so far, and that, under the PT&D ordinance is the Aquia Town Center, which was a redevelopment. We haven't seen any new green fields.

Ms. Kirkman: But my understanding, and perhaps staff could clarify this, is you do not have to have a rezoning to P-TND to build in the Urban Development Area. You could come in with a strictly commercial B-2...

Ms. Karnes: Well...

Ms. Kirkman: ... is that correct, Mr. Harvey?

Mr. Harvey: Yes, that is correct. Our B-2 zone allows densities that are prescribed for the Urban Development Areas.

Ms. Karnes: And I guess I was really thinking of a P-TND mixtures development when I answered that.

Mr. Howard: Well, I mean I don't want to speak for the applicant or the county but I'm sure the applicant did some market research and has a reason, I'm sure there's some rationale why they think the subject site is a good location for what they're proposing, I would think.

Ms. Kirkman: Mr. Chair, I was asking because I'm trying to understand within the vision of the county that the Board, the majority of the Board has set forward, this seems like a great project for one of the Urban Development Areas.

Mr. Howard: Sure, absolutely.

Ms. Kirkman: So I was wondering what the applicant's thinking was about locating it outside of them.

Mr. Howard: That's a fair question. Any other questions?

Mr. Rhodes: Question for staff, Mr. Chairman.

Mr. Howard: Yes.

Mr. Rhodes: Jeff, I just wonder, on the six-lane, 610, was it not envisioned to have a two left-turn movement onto Shelton Shop from there?

Mr. Harvey: Mr. Rhodes, that section of Garrisonville Road has not been designed yet.

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Mr. Rhodes: Okay.

Mr. Harvey: It may well entail a second left turn lane at that intersection, maybe others. We won't know that until we get into more detailed engineering. Right now we're in the process of starting preliminary engineering for the next section of Garrisonville Road, from Onville Road west to Eustace Road.

Mr. Rhode: That may have been in our modeling, Pete, and I think that's how they saw that working, really, is it really needed to go to two left-turn lanes due to the future development. Okay. Thank you Mr. Chairman.

Mr. Howard: Okay. Thank you Ms. Karnes.

Ms. Karnes: Thank you.

Mr. Howard: I'll now close the public hearing portion of item number 9 on the agenda and bring it back to the Planning Commission for further discussion.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes.

Mr. Rhodes: I am very appreciative of all the folks and their comments, and I got more e-mails on this one than I have gotten on anything in the years thus far being able to do this, and most of them positive, but also with the bent that was here about protecting that area between the residents and the development. I appreciate the responsiveness thus far of the applicant and the quick efforts to try and respond to things in the proffers such as removing those walkways into the Park Ridge community, insuring the 50 foot buffer, retaining vegetation where possible, also retaining the fence, increasing the percentage of the evergreen to 40 percent, excluding those other permitted uses, just now, the willingness to insure to proffer the pool with the initial development. What I will do, though, Mr. Chairman, is in a moment I'll make a motion to defer this to October 5th, which will give the applicant further time to talk with the HOA and some of the others here who just need to have that further dialogue. Seeing the responsiveness they've had thus far, I'm sure they'll make a lot of progress in that discussion. It just seems that that's the character of the applicant, just in the indications of their responsiveness here. It certainly has the potential to address a lot of needs in one of our more populated areas of the county here in the north. Therefore, I'm going to make a motion to defer this, action on this and bring it back on the 5th of October.

Mr. Mitchell: Mr. Chairman, I second Mr. Rhodes' motion.

Mr. Howard: Discussion?

Mr. Rhodes: I've said my piece, thank you.

Mr. Howard: You've said what you had to. Mr. Mitchell? No? Any other discussion from the Planning Commissioners on the deferral? I would just add, really more for the record, that we did also get an email from Barry Hill, who is, I guess, one of the technical directors of the Stafford County Soccer Association, SASA, and, you know, he pointed out in his email the benefits, obviously, from

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the soccer perspective but also lacrosse, he points out, and field hockey. Recognizing that they all share the same fields, as well football, so, in the hopes that something could be worked out for this part of northern Stafford to have this type of facility. So... I know it seemed like there were a lot swimmers, but people did mention soccer and there was one mention of field hockey, but there were additional emails and other support that came our way in terms of comments. And there were also other comments that weren't favorable for the record, as well. So there were other emails that pointed out some of the issues that were reinforced by some of the citizens of... who live directly next to the subject site.

Mr. Rhodes: Mr. Chairman, if I could just, if I might...

Mr. Howard: Yes.

Mr. Rhodes: ... just clarify. Certainly, I think what I'd like to see, I know personally, as we come back next time, is to know that there's been discussion with the HOA and through them, outreach to the remainder of the residents there who had yet to have an opportunity to engage on the topic. Additionally, I think there was one of our, one of our next to last speakers kind of summed it up, said, they believe this concept is great, it's going to do good stuff, but certainly addressing safety, security, and privacy is a matter and that's understandable. I think a lot of the responsive efforts thus far in the modified proffer are attempting to do such, and hopefully in that dialogue, in the ensuing couple of weeks, they'll be able to come further along those lines and get greater fidelity and refinement to these, to address both sides. Thank you, Mr. Chairman.

Mr. Howard: Thank you. Any other discussion? Hearing none I'll now call for the vote. All those in favor of the motion on the table, which is to defer item number 9 on the agenda, which is RC1100077, which is the reclassification of the Stafford Sports Center, signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Ms. Kirkman: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed, nay? The motion carries 7-0. Thank you. That now brings us to item number 10 on the agenda, which is the Comprehensive Compliance Review with Telecom Tower. And we'll probably combine the CUP, which is item 11, conditional use permit, for that same subject site. And it looks like we'll be hearing from Mr. Zuraf on this.

10. COM1100171; Comprehensive Plan Compliance Review - Telecom Tower, Telemedia Broadcasting Tower - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232, for a telecommunications facility, specifically for a radio broadcasting and wireless communications tower, located on the north

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side of Hollywood Farm Road, approximately 350 feet east of Fisher Lane on Assessor's Parcel 60-7A within the George Washington Election District. **(Time Limit: November 20, 2011)**

11. CUP1100167; Conditional Use Permit - Telecom Tower, Telemedia Broadcasting Tower - A request for a Conditional Use Permit to allow a telecommunications facility, specifically for radio broadcasting, in an A-1, Agricultural Zoning District on Assessor's Parcel 60-7A, consisting of 8.09 acres. The property is located on the north side of Hollywood Farm Road approximately 350 feet east of Fisher Lane within the George Washington Election District. The Applicant requests a permit to build a 480 foot-tall tower to accommodate a minimum of three (3) wireless communication service providers, broadcasting for a radio station, and future public safety communication equipment. **(Time Limit: December 20, 2011)**

Mr. Zuraf: Can I have the computer please?

Mr. Howard: Good evening, Mr. Zuraf; you're going to talk to us about a 480-foot tower.

Mr. Zuraf: Yes. We have two items I (inaudible)...

Mr. Fields: I was sure there was a mistake. I saw that on the thing, I said, "That can't possibly be right.

Mr. Howard: Ken just wants (inaudible).

Mr. Fields: You didn't actually print 480 feet, did you? I know... well, I'm sure we'll hear what the actual height of the tower is.

Mr. Zuraf: That is not a misprint.

Mr. Howard: That's 480.

Mr. Fields: I know.

Mr. Zuraf: I want to make sure everybody's awake.

Mr. Howard: I apologize; yeah, we just needed a little humor there for a minute

Mr. Zuraf: Yeah, this is a combination of items 10 and 11 associated with this application. Item 10 is a Comprehensive Plan Compliance Review; item 11 is a Conditional Use Permit. And this is the... the application is the Telemedia Broadcasting tower at Hollywood Farm Road. And let me get this to work... okay, there we go. Okay, the applicant for this case is Telemedia Broadcasting, Inc. The parcel is tax map 60, parcel 7-A. The site highlighted on the screen is 8.09 acres in size. It is located on the north side of Hollywood Farm Road and on the east side of Fisher Lane. This is in the George Washington Election District. I'm going to focus first on the Comprehensive Plan Compliance Review portion. The specific request is a request for compliance with the Comprehensive Plan for a telecommunications facility, specifically a 480-foot-tall guy-wire tower. The specific purpose is to accommodate radio broadcasting antennas. Telemedia Broadcasting operates two radio stations in our region, WGRQ 95.9 FM, and WGRX 104.5 FM. They currently... their antenna is currently located in King George County, and their purpose is to relocate their signal to improve the coverage in the

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Fredericksburg region. Specifically, on the site that they're looking at, looking at the existing conditions, right now there's a vacant service garage on the property. A majority of the site is forested; the remaining areas are open meadows. The site slopes gradually downward away from Hollywood Farm Road, and there are no environmental resources identified on the site; specifically, no wetlands, floodplains, or critical resource protection areas identified. Here's an aerial photograph of the site itself. You can see from the aerial photograph where the wooded cover is the areas I'm highlighting and then you see there are some areas that are open field areas that are on this as well. This is the location of the vacant service garage that I referenced. Next slide... can I get some help? Thanks. Okay. Yeah, this next slide provides a birds-eye view of the site itself. And you can see that it is adjacent to another telecommunications facility, approximately a 200-foot-tall lattice tower adjacent to this site. Here's the existing zoning map on the site; the property is zoned A-1 agricultural. A lot of the property around this area is zoned A-1 as well. The specific proposal is for again a telecommunications facility. The specifics of the 480-foot-tall guy-wire tower, 440 feet of that tower will be the guy-wire structure, the steel structure itself, and at the top would be a 40-foot monopole extension that is needed to, where these antennas would be attached, the FM antennas would be attached on that monopole extension... so that all counts for the height of the tower. It would all be within a 30-foot by 30-foot fenced compound. There would be the potential, and it is shown on the general development plan, areas for future expansion of the compound to 50 by 50 to accommodate future co-location of wireless carriers. As far as the enclosure, it would be by an 8-foot-tall chain-link fence with barbed wire at the top, and screening would be accommodated by either the existing vegetation on the site, but then it would also be... there would be additional plantings included where needed to provide adequate screening. Here is a snapshot of one of the pages, the main page of the general development plan that shows the proximity of the tower location within the site. The outer edge of the property I'm kind of identifying here. The guy-wire tower, of course it has the wires that extend out in three directions from the tower; those are identified... the locations of those wires and the anchors are identified on this plan as well. The access into the tower compound would be from the existing driveway that's on the site and it would extend into the, towards the facility. The applicant's shown the retention of existing trees in areas where clearing is not needed. They do include some radius circles on the plan; this identifies the radius that is equivalent to the height of the tower. The 440-foot structure radius is the inner circle, and this outer circle is the full 480-foot circle. You can see on the adjacent property, you do have a residence on this property to the north. That is 489 feet away from the base of the tower. Here's an elevation view included, which kind of shows how the guy-wire tower would be constructed. It does show the 440-foot height, then you have your monopole extension where the antennas would be attached. They do also identify where future co-location of wireless carriers might occur on this tower, generally around the 200-foot height, where you typically see antennas being located for that type of use.

Mr. Howard: Mr. Zuraf?

Mr. Zuraf: Yes.

Mr. Howard: Did you just say that the guy-wires are 489 feet?

Mr. Zuraf: No, the, the distance . . .

Mr. Howard: Away from the base of the tower?

Mr. Zuraf: No, the distance from the nearest residence is 489 feet.

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Mr. Howard: Okay, thank you.

Mr. Zuraf: The guy-wires would go all the way up to the 440-foot... the distance out is not as far as it is tall. The applicant also conducted a balloon test and took pictures from various locations around the tower site. And within those pictures, superimposed what the tower might... how the tower might be visible from these areas. Most of the areas, the tower would not be visible from where they've taken these pictures, but there are three areas where they did take pictures where the tower would be more visible. That's specifically from these locations identified as five, six, and seven. This is within the adjacent subdivision, Bridle Lake Estates, and these images are... they're actually within the documentation that you were provided tonight, the more detailed NEPA documentation that's required with a telecommunications facility, so these pictures are included. This is site five and you can see where the... how the tower is superimposed into the picture. In this area here is actually the existing 200-foot-tall lattice tower as it is right now. Site six, the proposed tower; here's the existing tower. And then site seven, the closest site, the proposed tower and the existing tower. In evaluating this...

Ms. Kirkman: Could I just ask... could you back up a slide? So how far is that home from the tower? It's hard to tell from the perspective.

Mr. Zuraf: This home would be, in this location here, I would have to estimate maybe 2,000 feet. Or, well, let's say, maybe 1,500 feet, a little less. So in, you know, evaluating the conformity with the Comprehensive Plan, for telecommunication towers we look at the Telecommunications Plan. There are siting criteria as well as facility design criteria that we look at. Some of the criteria include that the tower's... that there's co-location on existing telecommunication facilities that is offered. The preference identified in the plan also that towers are... that antennas go on existing facilities, water towers go in, utility line easements or other tall structures. Staff notes that there are no available structures at the needed height that is desired by this applicant for the FM antennas. The closest tower at the height needed would be the Mountain Avenue tower, which is off of White Oak Road, and that tower is occupied by another station, so that's not available. Also, there is an adjacent tower, as mentioned, which is not tall enough to meet the applicant's needs in this case. Also there's a recommendation that facilities be spaced at three to five miles apart. That's a criteria that's more intended for wireless communications and so it's not really intended for this type of use.

Mr. Fields: Mr. Chairman? Hate to interrupt but, and Mr. Hirons, correct me if I'm wrong, I believe we took out that spacing requirement. In the new Telecommunications Plan that was one of the significant things is that we really took out any proscriptive number of spacing.

Mr. Zuraf: I'm actually basing this still on the...

Mr. Howard: The existing.

Mr. Zuraf: ... existing plan, which...

Mr. Fields: That hasn't quite been adopted yet?

Mr. Zuraf: No.

Mr. Fields: Okay. Well, I just wanted to clarify that, that, you know, it may be exactly the existing plan but I think we are assuming that soon the new plan is based more on needs and assessments.

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Mr. Zuraf: And really that's a criteria that doesn't really apply in this case, so it's... yes. And also, staff does note that the proposal does cluster this and locate this tower adjacent to an existing tower which does serve the purpose of kind of eliminating the proliferation of additional towers across the County, at least in this area. The applicant did include propagation maps of their signal coverage. This map identifies two areas... this hatched line, the rings in hatching identify the signal coverage around the existing tower location antenna in King George, and then the comparison of the coverage with the new tower location. And then this more detailed signal coverage map, similar to kind of what you see in the typical wireless applications that we see. Some of the other siting criteria, the plan recommends preference for siting of towers in certain types of locations, some of those more preferable locations for towers include, as mentioned, the existing easements for power lines, VDOT right-of-way along Interstate 95 at interchanges and overpasses, railroad right-of-ways adjacent to industrial and agricultural districts away from residential concentrations. So this proposal does meet the one criteria that this is in an agricultural district away from residential concentrations. The plan discourages impacts to aircraft operations. This tower site is in proximity to three airport center lines, the Stafford Regional Airport, the Shannon Airport in Spotsylvania County, and the runway, the airstrip in Quantico Marine Corps Base. So we did ask the applicant to get a review from the FAA and that was included in your package. Information from the FAA determined no air hazard, that the facility would not create an impact on air navigation. That 7460 determination form is included in your package. Also on this (inaudible)...

Mr. Howard: Mr. Zuraf, that included you said Quantico?

Mr. Zuraf: Yes.

Mr. Howard: And what else?

Mr. Zuraf: Quantico, Shannon Airport, and...

Mr. Howard: Okay, Shannon, right, that's what I was... and isn't it closest to Shannon Airport?

Mr. Zuraf: Yes.

Mr. Howard: Yeah, I would think so. Okay.

Mr. Zuraf: Now this location is within the Stafford County's Airport Overlay District, basically on the outer edges of this overlay district. That overlay district basically establishes a restriction to the height of structures within the overlay. This tower, even at the height that it's proposed, would not exceed that height limitation since it is in the outer extent of that area. It discourages the impacts to historic properties. The state's historic preservation office did determine that there would be no adverse visual impacts to historic properties; that is in more detail. There's some visual evaluation in the NEPA documentation that you've received regarding that. Also, the plan discourages location of facilities near residential concentrations. The site is surrounded mainly by undeveloped properties; there are some residential uses nearby, and one adjacent residential property to the north as has been noted. Getting to the facility design standards, the plan recommends a co-location of at least three carriers and the applicant has agreed to make sure that the tower will be designed to support three carriers in all, in addition to provide space for the County should it need to locate there in the future. Also, the facility would be designed to minimize visual impacts, specifically near residential dwelling units. Staff is recommending, in the conditional use permit portion of this, that the tree clearing be limited to that

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needed for the facility. I think the existing tree cover there should do a good job in helping to screen the... at least the lower portions in the base of that facility. Also the plan recommends to site facilities towards the interior of the property. The facility actually is sited a little more towards Hollywood Farm Road, and staff actually recommended this for the purpose of increasing the separation of the tower from the adjacent residential property. Also, the tower setbacks from agricultural and residential properties are equal to the height of the tower, so this proposal does not meet that. The site actually is not large enough for this tower to be located on it and meet all those setbacks equal to the height. Also, the plan recommends paint schemes and lighting to minimize impacts based on the height of this tower. There are some mandated color schemes required; a red-and-white tower color scheme is required by the FAA and red warning lights are required by the FAA based on the size of this tower. And regarding the draft Telecommunications Plan, there was a public hearing held last night on that at the Board of Supervisors and it was tabled for 30 days, so that new plan does not apply. And regarding the draft plan, the draft plan also does not, I guess, directly address radio towers and their antennas. The differences in the draft plan, it does actually provide more priorities towards the location of towers, with public property being the first priority. Looking at... and we do in this plan also provide mapping of where those public properties are. There are no public properties within close proximity to this tower site where that would be an option. Also, you know, to note that on the issue of the ranking and the priorities of tower sites, the siting in agricultural properties is lowest on the priority ranking, just to note that. So regarding the positive aspects of the proposal against the Comprehensive Plan, it is, staff believes, in general conformance with the telecommunications plan. It is siting a tower adjacent to an existing tower; this limits the proliferation of towers across the county. It's sited away from residential concentrations, it provides for the future co-location of other wireless service providers, and it provides for the county use. Efforts have been made to minimize the visual impacts with the retention of existing trees, and also there would be no impacts on historic resources or aircraft operations. Looking at the possible negative aspects of this proposal, it is not located interior to the property that it's located on and it does not meet the setbacks from the abutting agricultural and residential properties. Now, on the recommendation, staff does believe, on balance, that the proposal meets the goals of the Telecommunications Plan and recommends that the Planning Commission find the request in compliance with the Comp Plan. And now going on to the conditional use permit, I'll go through this a little quicker. This request is for the use permit approval for a telecommunications facility in an A-1, Agricultural Zoning District, and the Zoning Ordinance does provide a list of standards that are to be considered for the issuance of a conditional use permits. And this kind of summarizes the key points of those standards. The proposal, staff finds, does not change the character or established pattern of development in the vicinity. The site is in an agricultural area where there's lower-density residential and located adjacent to an existing tower. It does not hinder or discourage future development on adjacent properties, the tower is located away from the nearest... is moved as much as possible away from the nearest residence, and then also conditions would minimize the visual impacts. It does not adversely affect the health or safety of persons or adjoining residential properties. The facility will not generate noise, dust, or smoke emissions regarding this point, and also it's in accordance with the Comprehensive Plan, and specifically the Telecommunications Plan. Staff has recommended several conditions to go along with this request; that there will only be one tower permitted on the site, that the height, type, and location is in conformance with the general development plan provided. Also that, there's a requirement of retention of the existing tree cover as shown on the plan, that the tower be designed to accommodate the co-location of at least three users and the County, and also that the standard assurances are provided that the tower would be removed upon its discontinuance in the future, and that the applicant provide studies to ensure its signals do not interfere with 911 and any regional airport. Also, that the applicant provide space on the tower for the County at no cost. Staff does recommend approval of the conditional use permit subject to approval of

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the Comp Plan Compliance Review. Staff believes the proposed use is in accordance with the standards of issuance of a conditional use permit.

Mr. Howard: Thank you Mr. Zuraf. Just one quick question, and you may not know this. What, if any, interference does a tower like this cause in terms of reception, whether it's to a cell phone, to some other RF device, or even to a, you know, car radio?

Mr. Zuraf: So how it interferes with existing... existing antennas that are out there for other wireless devices?

Mr. Howard: Yeah, any type of other RF device.

Mr. Zuraf: Well, the applicant and their engineer is here, I'll maybe defer to them to...

Mr. Howard: Okay.

Mr. Zuraf: ... address that.

Mr. Howard: I don't know if there is or there isn't but I know there, on occasion, when I'm in my vehicle, certain things will happen whether it's my cell or it's my radio, yeah, and you're going past either some type of tower or you're going past, it could even be an electrical line.

Mr. Zuraf: Okay. Yeah, I'm not certain.

Mr. Howard: Just curious, I'm not sure... I'd just like to know if they know.

Mr. Zuraf: Okay.

Ms. Kirkman: I have a question.

Mr. Howard: Sure, Ms. Kirkman?

Ms. Kirkman: What, exactly, is the notice that adjacent residents received? Like what did that notice say?

Mr. Zuraf: It summarizes the, well...

Ms. Kirkman: Do we have a copy of what they got, or do you?

Mr. Howard: Would it be similar to what was placed in the newspaper?

Ms. Kirkman: I don't know, I'm...

Mr. Howard: Yeah, I'm just asking staff, because I actually read that one, I'm not sure why I saw that; it did mention the height of the tower.

Mr. Harvey: Yes, typically there's a summary of the proposal and Mike has it there to read.

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Mr. Zuraf: This does not specify the height of the tower if that's what it's...

Ms. Kirkman: Because it's... I mean, I am particularly concerned; this site looks way too small for a tower of this size. And I'm looking at page C1, and it looks like the fall zone goes into seven different properties, including within 10 feet of an existing house. And are those homeowners and property owners aware that their property will be in the fall zone of this tower.

Mr. Zuraf: They may not be and, you know... they may not be aware. Even if this notice mentioned the height, that's not necessarily something that would be stated in the notice.

Ms. Kirkman: But the height was not...

Mr. Zuraf: The height was not mentioned in the notice.

Mr. Howard: Okay, any other questions for staff? Now we'll hear from the applicant now. Thank you.

Mr. Cooper: Good evening Mr. Chairman, Board members, staff. I'll defer all the technical questions to my engineering experts. I just have a few comments, if I may.

Mr. Howard: If you could just state your name.

Mr. Cooper: Oh, I'm sorry. Tom Cooper, I'm the General Manager for Telemedia Broadcasting. Oftentimes when you see a corporate name, it doesn't really click what the actual business is. And I just wanted to go and take a second and go a little deeper. We've been local broadcasters serving Stafford and surrounding counties for more than 25 years. First with 95.9 WGRQ, and then in 2001, we added Thunder 104.5, which is licensed to Falmouth. We're a small Mom-and-Pop operation with just these two radio stations and have no other properties. We employ 18 full-time and 10 part-time employees. You may be familiar with some of our personalities—Dave Adler, Mark Clifford, Brian Strobel, Mike Neville, Denny Moore, and Braden Smith. We provide local news, weather, emergency alerts for tornados, hurricanes, flash floods, as well as Amber Alerts and other community information. Our community service and public service commitment is unmatched in the area and that commitment includes being the radio partner for Stafford County's largest single-day family event, which is Stafford Rotary's Wings and Wheels Festival, which is coming up again next month. Why move? Our weakness over the last 25 years has been signal strength into the marketplace. Our current tower site is approximately 28 air miles from our offices, which makes it difficult to completely cover the area, and the signal, by the time it reaches this area, is not strong enough to penetrate buildings. Finally, an opportunity did present itself, which allowed us to file with the Federal Communications Commission, to change our city of license and were granted permission to move earlier this year. This is a critical move for us to enable us to continue to compete here in the market and especially given the economic climate. Why Hollywood Farm? The FCC has given us a window of where we can move. And after discovering that there are no existing tower structures that can provide the specific height we need, we then met with the Planning Department to be briefed on the County's Telecommunications Plan to ensure compliance, as well as get a sense of the current needs of Stafford's public safety communications system and how this structure can aid in existing and future coverage. As you can see from the site map, we researched several potential tower sites. But when placed against the County's Telecommunications Plan, the other sites fell short in one or more of the following areas: FAA safety, proximity to historic sites, co-location with another tower, as well as residential population. Given

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these major factors, Hollywood Farm was a clear-cut winner. As a small business we have taken all of our financial resources and put them into this location. Applying for and getting approval already from the FCC, the FAA, all environmental studies and approvals including NEPA and SHPO, we feel we have done due diligence on this site and it meets all criteria set forth by federal and state law as well as Stafford County's Telecommunications Act. The negative, the setback issue, in addressing the setback issue raised by the county planners, this can be resolved a couple of ways. The guy point in question is really not about the anchor point, but the eight-foot security fencing that surrounds it. We can lower that fence to five feet and meet the setback requirements or keep the additional height on the fence for safety and security reasons and seek a variance. We're open to your preference on that. I have with me Eric Cole of KCI Engineering, who worked with Stafford County three years ago when you needed to build your own site. And he's been instrumental in assisting us with this process and is here tonight. In addition, I have Joe Davis of Chesapeake RF Consultants. He's been instrumental in locating this specific site, and is certainly the guy to talk to when you talk about RF interference, FCC rulings and findings. I appreciate your time and I'll again, turn the engineering questions over to the guys that know what they're talking about. I thank you for your time.

Mr. Howard: Sure. Ms. Kirkman?

Ms. Kirkman: So, before you step down, sir?

Mr. Cooper: Sorry.

Mr. Howard: Mr. Cooper?

Ms. Kirkman: I understand you worked to identify the general area, but there a lot of vacant parcels of land out in that general area that are larger than this. Why weren't those parcels considered?

Mr. Cooper: We investigated a lot of different parcels, but again, finding this, that there was a tower already in existence, and getting near that tower so that we could co-locate, that tower that's sitting there, if you've been out to see it, I know it's in Mr. Fields' district, that tower is maxed. And the next tower that needs to serve cell or the County's needs, it's got to go somewhere and it's not going to go on that tower. And it's going to need to find a home somewhere. But we felt like that area, again, was not near a residential area like a lot of the other sites that we found, and again trying to stay away from historical sites, moving anywhere closer we get into Ferry Farm, and you know that's not going to fly. So we tried to get where we could within that window that the FCC allowed us to go in.

Ms. Kirkman: But my concern is that the fall line for this tower covers, it looks like about seven different properties, including coming within feet of an existing residential building. And while there's no structures in other parts of the fall area, because you do not control that property there could be in the future. And that in particular is what I'm concerned about. If this parcel were larger, I would not have concerns about this location in terms of the other criteria, but I'm very, very concerned about the fall line extending onto other properties.

Mr. Cooper: I'll let the engineers address the fall because again, I'm sure this has been brought up with towers before, towers don't fall, they crumble, which means it's going to fall in a pile. But again, as part of the Telecommunications Act, you do have to have fall lines, but a tower will never fall over, it will always crumble. But again, I'll let the experts explain how that theory is. But I don't think that's going to ever be a problem for the residential areas. Again, there's not that many houses...

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Ms. Kirkman: Right now.

Mr. Cooper: ... around that. And I'm not sure there can be any more. The houses that they showed on the screen where the tower could be seen, that's actually coming out of Hollywood Farm Road, around the bend, and up and on the right. That's not close to our site, really. It's more a visual thing for seeing the tower versus being impacted from any type of a safety standpoint.

Mr. Howard: Okay, any other questions for Mr. Cooper? Now we can bring up the engineer.

Mr. Cooper: Alright, thank you.

Mr. Howard: Thank you.

Mr. Cole: Hello folks, I'm Eric Cole from KCI Technologies. We are the civil engineers on site, and I can definitely address your question about the fall radius. If you look on that plan, you'll actually see an inner circle. That inner circle actually lines up with the guy wires, or the guy anchor points, more specifically, and guy towers are designed so that when they fall, they fall within those anchor points. And they'll usually fall within the furthest anchor point; in this case we just have one, so that tower will actually crumple and fall into the anchor point. So, I think on that site there's actually one small area over on the far side of the... on the Hollywood Farm side, where we actually do impact the road just a little bit. But again, and the only reason we're even impacting that is because we shifted as far as we possibly could to get away from that one sole house that actually is within the overall height of the tower, but not necessarily within the fall zone. So hopefully that kind of addresses your question. That's, with a guy tower, each tower, type of tower is a little different, and usually with monopoles and self-supported towers, just for your own personal interest, we usually will design, about midway up, a break point, which means that will have the weakest amount of steel. And so again, once that threshold is broken by some kind of incredible wind event, you know that's way beyond whatever the normal design criteria is, that tower will actually just crumple over on itself. Of course, once that happens, then the load is relieved, and that tower will not fall any further. So that's usually how we work within those fall zone radius. So the guy anchor point is really the critical point from a safety standpoint. So hopefully that answers that question. And I might be able to answer any of the other questions in terms of the siting, because we did actually use a sub-consultant for the NEPA, and so I will tell you that Stafford County is blessed with a whole bunch of wonderful historical properties which makes it very, very difficult to screen a 480-foot guy tower from the majority of those.

Mr. Howard: Mr. Cole, the question on the RF interference, how do you mitigate that? I'm not technically savvy enough to understand it, but if you could explain it in layman's terms.

Mr. Cole: Mind if I call up the second expert we brought today?

Mr. Howard: That would be fine.

Mr. Cole: Joe, he's the RF engineer, so...

Mr. Howard: Okay.

Mr. Davis: Good evening. I'm Joe Davis, I'm an RF engineer; Chesapeake RF Consultants is the name of my firm. Your question regarding interference, about the only sort of interference that anyone

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might expect is going to be in the very close proximity of the tower. The station's going to operate on 95.9 megahertz; if someone's trying to listen to Washington, DC station 95.5 or 96.3, which are right next to it...

Mr. Howard: Right.

Mr. Davis: ... on the dial, their receiver can be swamped or overloaded, but only in the area very close to the tower. And when I say very close, I mean within a half a mile or so or even a quarter mile. That location is beyond the expected service areas for those Washington, DC stations, so any coverage that those stations have in the Hollywood Farm area is considered to be bonus to them and unprotected by the FCC.

Mr. Howard: Okay, thank you.

Mr. Davis: The other sorts of interference that may occur would be to television reception, and that's usually due to an anomaly in the TV receiver. Typically some people will use a preamplifier sometimes on their receivers. And I know when we built the site out in King George, we had, I think, one or two calls from people who were having a hard time watching channel 7 all of a sudden. And 95.9 doubled falls in the channel 7 passband, and with the installation of a simple filter those were resolved.

Mr. Howard: So you had to install an RF filter on their television at home?

Mr. Davis: That was at the television receive antenna, that's right.

Mr. Howard: Okay.

Mr. Davis: But these interference issues, particularly for a station like this that only operates with 3,000 watts, are very, very rare.

Mr. Howard: Okay.

Mr. Hirons: Mr. Chairman?

Mr. Howard: Mr. Hirons?

Mr. Hirons: So there'd be no interference with cell phones.

Mr. Davis: No, none.

Mr. Howard: Any other questions for the applicant? Okay. We'll now open up the public hearing portion where the public may come forward and talk to us about the two items. We've combined them, so it's items 10 and 11, which is the... item 10 is the COM1100171, and item 11 is CUP1100167, both involving the tower that we're discussing, the telecom tower, Telemedia. Anyone wishing to address the Planning Commission on these items may do so by stepping forward to the podium. I will wait the normal 30 minutes... no. Seeing no one else advancing towards the podium, I'll now close the public comment portion of the public hearing and bring it back to the Planning Commission for discussion.

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Mr. Fields: Yeah, Mr. Chairman...

Mr. Howard: Mr. Fields?

Mr. Fields: I appreciate everybody's questions, of course. I think it goes without saying this is something that I will now proceed to work with the client. You know, it's generally been my policy, particularly evolving over the years, while there's sometimes opportunities to meet with individuals before, those meetings are not necessarily fully in the public eye. And so, I've, I generally prefer to wait 'til the information and application has been presented to all of us equally in the public format. And now I'm sure these folks will be happy to work with me and staff. We'll need to go on-site and take a look at things and especially I need to explore and make sure that we've reached out to every, at least a substantial portion of the residents in the area that are impacted. More visually, obviously, the safety concerns seem, and some of the RF things, which are highly localized, but we'll need to make sure that the impacts are good. I can tell you that this is a part of the County where, though we certainly all take a gulp at a 480-foot tower, this is a part of the County where this is certainly not the most illogical thing that you could do out there. It's pretty wide-open out there, and the general nature of the future developments, Ms. Kirkman points out the very important point, the... and you can't, I don't want to be sanguine about it but there is... that's not a particularly, as Mr. Harvey will attest to, as people have attempted to buy lots and attempted to build drainfields in Bridle Lake Estates, that's not a part of the County that's a very easily developable part of the County for residential purposes because it's not particularly suited to drainfield. It's difficult to get good drainfields out there. So it's continued to be a fairly significant rural part of the County, so, but we want to make sure that all the folks that are involved see that. So with that I will certainly... we'll try to resolve this, if we need to defer it again, we will. I'll just defer it for two weeks. If we can't resolve it in two weeks, then I'll ask for another deferral. But for now my motion is to defer for two weeks to the next Planning Commission meeting.

Ms. Kirkman: I'll second.

Mr. Howard: So the motion is to defer item 10 and 11, right?

Mr. Fields: Yes, yes sir, 10 and 11

Mr. Howard: And second by Ms. Kirkman. Any further discussion?

Ms. Kirkman: I would... I want to believe the engineers when they say it'll crumble and not fall, but just so often we've engineers tell us a structure is fail-safe, and then something happens with it. So, you know, under the ideal conditions, I think what would happen is that easements would be gotten from the adjacent property owners so that there is recorded, with the property, a notation so that potential future buyers are also aware that the property falls... is within the fall zone, and so I'd like that option to at least be examined, if some kind of...

Mr. Fields: Absolutely, thank you.

Ms. Kirkman: ... and potentially that easement could preclude the construction of structures within the fall zone.

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Mr. Fields: Thank you.

Ms. Kirkman: So I suggest you all look at that.

Mr. Howard: Okay.

Mr. Mitchell: Mr. Chairman?

Mr. Howard: Mr. Mitchell?

Mr. Mitchell: My only comment is I wish I would be here next month to vote for it. I know that will surprise some of my fellow board members . . .

Mr. Fields: Does it have enough lights?

Mr. Mitchell: Lights or no lights, I'm in favor of it. I actually... I might should've recused myself because I listen to 95.9 every day. Thank you, sir.

Mr. Howard: Yeah, along those same lines, Mr. Mitchell, your radio station and your affiliates or your family of products that you have, in particular, Thunder—I see that van everywhere. Very supportive of all of our high schools, all of our events that take place in Stafford County. I know you do the Wings, Wheels, and Ducks; you've done so many other things for us in the County. We absolutely appreciate that and look forward to your continued support. And knowing that the tower is going to be even closer, we'll get better reception. I still want to listen to the 95.1 once in a while for Washington reasons, but you know, you're definitely good neighbors and we appreciate what you do. But this is part of the process, and it's not unusual to come before us, have a deferral and have that particular Planning Commissioner work with you and the residents and work through some, or try to mitigate anything that we haven't thought through clearly, but we certainly appreciate all that you do at Telemedia. So it's... I know, you're a big part of Stafford County and I'm sure you know that.

Ms. Kirkman: Mr. Chair? (Inaudible – microphone not on) actually a question just occurred to me.

Mr. Howard: Sure.

Ms. Kirkman: The applicant several times referenced FCC and timelines, and... I'm not talking about shot clock, I just... is there any other...

Mr. Howard: Yeah, no, are there any... is there anything we should know, that's a good question, from... you want to know from their perspective, from the FCC?

Ms. Kirkman: Yes.

Mr. Howard: Okay. Mr. Cooper?

Ms. Kirkman: I don't know, like do you have to get this in place by X amount of time? What...

Mr. Cooper: Three years from a month and a half ago is what the FCC told us.

Ms. Kirkman: Oh, okay. So it's not like...

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Mr. Howard: Two weeks is not that bad.

Mr. Cooper: Right, right.

Mr. Fields: We can probably get it to a vote before then.

Mr. Cooper: But just two weeks.

Mr. Howard: Well, thank you for being honest.

Ms. Kirkman: But it does... it actually, and the practicality of it is it's more than two weeks...

Mr. Cooper: Sure.

Ms. Kirkman: ... because then it won't go before the Board until January.

Mr. Cooper: Correct, and what happens to us is now we have to try to get steel and build and, you know, we could be another year away from getting closer. And again, given the economic climate, time is of the essence, because, you know, we've got to get up here and be able to communicate with North Stafford and some of the areas where, right now, our signal just isn't there and it's real crucial.

Mr. Howard: You need it to generate revenue but at the same time you only have X amount of capital to spend, you've got to spend it now.

Mr. Cooper: Exactly, and our owner's here tonight and we've put all of our capital into this Hollywood Farm site. I mean...

Mr. Howard: I'm sure you have.

Mr. Cooper: ... as you know, the research and the cost of HPPO, and SHPO, and NEPA, it just goes on and on and you just keep stroking checks.

Mr. Howard: Well again, our desire is not to delay you, it's really to make sure that this has been well thought out, in particular for the residents who could potentially...

Mr. Cooper: Totally understand.

Mr. Howard: ... be impacted, which Mr. Fields, you know, wants to make sure that's been taken care of.

Mr. Cooper: Okay, look forward to it. Thank you.

Mr. Fields: We'll have staff set up a meeting right away.

Mr. Cooper: Okay, great. Thank you.

Mr. Fields: Thank you.

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Mr. Howard: Alright, so the motion on the table is to defer item number 10 and 11 to October 5th, I think that is? Okay. Alright, I'll now call for the vote. All those in favor of the motion on the table signify by saying aye.

Mr. Fields: Aye.

Ms. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. We'll see you at the next meeting. Thank you.

Mr. Cooper: Thank you; appreciate it.

Mr. Howard: That brings us back to, I think it's item number 3, actually.

3. *Zoning Ordinance Amendment; Recycling Definition (Time Limit: October 3, 2011) (Deferred at September 7, 2011 meeting to October 5, 2011) (Requesting additional time from Board of Supervisors)*

4. *Zoning Ordinance Amendment; Farmers Market (Time Limit: December 6, 2011) (Requesting additional time from Board of Supervisors)*

Mr. Harvey: Mr. Chairman, item 3 is deferred to your next meeting. Items 4 and 5... excuse me, items 3 and 4 were taken up at the Board meeting yesterday. The Board took action on the Planning Commission's request for additional time, so we'll provide you with copies of the Resolutions at your next meeting.

Mr. Howard: But we have additional time so there's no need to get into the detail on those tonight.

Mr. Harvey: Correct.

Mr. Howard: Considering the late hour. Sounds good.

5. *Zoning Ordinance Amendment; Exempt Subdivision (Time Limit: December 7, 2011) (Scheduled for October 5, 2011)*

Mr. Harvey: And 5 is deferred to your next meeting.

Mr. Howard: Right, on October 5th. And then we go to new business, item 7.

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7. *SUB1100059; Brentsmill, Section 3, Preliminary Subdivision Plan* - A preliminary cluster subdivision plan for 28 single family dwellings, zoned R-1, Suburban Residential Zoning District, on Assessor's Parcel 21-148, consisting of 15.95 acres, located at the intersection of Naples Road and Bismark Drive in the Brentsmill Subdivision, within the Griffis-Widewater Election District. ***(Time Limit: December 20, 2011)***

Mr. Harvey: Yes, Mr. Chairman, it's Mrs. Hornung's turn at the podium tonight.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: You skipped item 6, which remains on our agenda even though it's been deferred to the October 6, 2010 meeting.

Mr. Howard: Do we have any information on item 6, Mr. Harvey, from...?

Mr. Harvey: No, sir, I do not have any new information.

Ms. Kirkman: It just, you know...

Mr. Howard: It's been hanging out there for a while.

Ms. Kirkman: Yep.

Mr. Howard: Can we make a request to the Board of Supervisors one more time?

Mr. Harvey: Yes sir, we can do that.

Ms. Kirkman: Well, I think we just need an update on the status of that item. I mean the Planning Commission unanimously, I believe, you know, recommended denial of this ordinance in order to rework it and that was...

Mr. Howard: Right.

Ms. Kirkman: ... quite some time ago. This is the Rappahannock River Overlay District and if the Board's intent is to simply not enact that legislation, I think it would be helpful to hear from them that that is their intent and we can just take it off.

Mr. Howard: We can remove it from our agenda if that's the case. Mrs. Hornung, good evening.

Mrs. Hornung: Good evening. Mr. Chairman, members of the Commission. The item that I have is the Brentsmill Section 3 Preliminary Cluster Subdivision Plan. May I have the floor computer please? This is Subdivision 1100059, Brentsmill Section 3. The applicant is Tim Hall of Tricord Incorporated. The owner is Alan Liddell. The graphic shows you the vicinity of this project. The date of the application was February 24, 2011 and the TRC date was March 23rd. The engineer is Sullivan, Donohoe and Ingalls and... I think the mouse battery might be low, that's why we're having problems. I'm okay right now. Here's 95, Route 1, and the subdivision. One portion of it fronts on Telegraph

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and accesses through the existing Brentsmill Subdivision. This is parcel 21-148. This section of Brentsmill, Section 3, will be at the... will extend from Naples and Bismarck intersection from the existing Brentsmill Subdivision, which is down to the... if you can see where the mouse is. The size of this parcel is 15.95 acres, the zoning is R-1, Suburban Residential, with public water and sewer, the total number of lots will be 28 single-family dwellings, and this is located in the Griffis-Widewater Election District. This is an aerial view of the parcel...

Ms. Kirkman: Could I ask a question about that?

Mrs. Hornung: Yes.

Ms. Kirkman: I just wanted clarification because the site plan says Aquia magisterial district.

Mrs. Hornung: The magisterial district is different from the election district.

Ms. Kirkman: Okay.

Mrs. Hornung: So that is correct in the magisterial district. That goes back to old English, I think, if you call it that.

Ms. Kirkman: Okay. Thank you.

Mrs. Hornung: Before they had the election districts.

Ms. Kirkman: Alright. Alright, thanks.

Mrs. Hornung: Sure. The parcel is highlighted in red and one thing also to note about this... which I'll explain a little bit more in depth... to the east, or to the right where I'm at right now, this is the Shirley Heim Middle School, and there is a vacant parcel in between the Section 3 Brentsmill and the school. Here is a graphic of the subdivision plan. To the top of the screen is... well, the mouse doesn't like to move... but that's Telegraph Road. There is a portion of the parcel that fronts on Telegraph, and then the rest of this parcel, as you see, is extending from Naples Road in the Brentsmill Subdivision. There is an intersection here at Warbler Court and Naples that will be the parcel connection to this vacant parcel to the east. And then this is the stormwater management pond that will be used for this subdivision. Right now there is proposed a gravel access from Telegraph to access this pond. The size of the open space is large because of the cluster of the subdivision. The lots range from 8,000 to about 12,500 square feet in size. The cul-de-sac lengths, the Naples Road cul-de-sac length is about 750 linear feet, and then Warbler Court is about 540.

Mr. Howard: Mrs. Hornung, where is Telegraph Road?

Mrs. Hornung: To the top left of this picture, right here where this mouse is. There's a portion of the parcel that accesses... that fronts on Telegraph. Do you want me to go back to the vicinity...?

Ms. Kirkman: And the... yeah, if you could go back.

Mr. Howard: Yeah, I'm not sure I understand how this is all connecting to get out of there.

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Ms. Kirkman: It won't connect to Telegraph Road, right?

Mrs. Hornung: No, it's not going to connect to Telegraph, a portion of the parcel fronts on Telegraph.

Mr. Howard: So it's going behind where Naples and Bismarck are.

Mrs. Hornung: That is correct.

Mr. Howard: So where does that empty out? Where does that subdivision currently empty out?

Mrs. Hornung: That empties out on another area of Telegraph. Let's see...

Mr. Harvey: Mr. Chairman, attachment 1 in your staff report may be helpful. It gives the location map, which shows where Bismarck intersects with Brentsmill Drive and comes out on Telegraph Road, which is about one block north of Woodstock Lane.

Mrs. Hornung: Brentsmill Drive comes out to Vincent...

Mr. Howard: Right.

Mrs. Hornung: ... and then Vincent goes to Telegraph.

Mr. Howard: Okay.

Mrs. Hornung: The location map?

Ms. Kirkman: And the area that abuts Telegraph is going to be designated as open space?

Mrs. Hornung: Correct; that's the rest of the open space. It would be almost that portion that looks like an extended "K" to the top. Some specifics about this subdivision that I wanted to explain to you is that because it's a cluster, the open space is first offered up, if you would reflect it as that, offered up to the school. And because Shirley Heim Middle School is to the east, there is an agreement between the school and the owner, the applicant, that the open space stormwater pond will be able to be utilized for expansion of the school, if the school gets this property that's in between. Because in the cluster, the open space, if it's not accepted by the school, then it would be offered up to the Parks and Rec Commission for Park and Rec facilities. But for right now, this will be utilized for an expanded stormwater management pond to be used if the school were to need it. Also that portion of the property that fronts on Telegraph, the school has expressed interest in utilizing that portion of the open space for their BOOTS program, and all this has been discussed with the applicant and Mr. Horan with the schools, in that...

Mr. Howard: I'm not familiar... what program was that?

Ms. Hornung: The BOOTS program.

Mr. Harvey: Yes, Mr. Chairman, that's a program that coordinates with the school system for their vocational students. They get hands-on practice in the construction field. They would essentially build a

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house and their vo-tech students would take part in that. Usually what happens is they build a house, they sell it, proceeds from that sale go to purchasing additional lots and continuing the program.

Ms. Kirkman: But then it wouldn't be open space; it would be a residential lot.

Mr. Harvey: That is correct.

Mr. Howard: That seems to be confusing.

Mr. Fields: It really is. Usually what happens is that the BOOTS program... we've worked with them over the years and it's been a good thing... but usually what it is, is that we've asked developers, most people that have come in with a proposal for rezoning, etcetera, or proffer modifications to proffer a lot or two in their (inaudible)...

Mr. Howard: Right, that would make sense.

Mr. Fields: ... to be used to build a BOOTS program house. So, yeah, I don't know how this works when you have an open space lot.

Ms. Kirkman: Yeah, but that doesn't mean...

Mr. Howard: It doesn't seem right on the surface, so I think we need some homework on that.

Mrs. Hazard: Well, to muddy the waters, I was going to actually just, and I hate to put Mrs. Hornung on the wry because you didn't write the letter from Mr. Horan, I couldn't even figure out what...

Ms. Kirkman: He meant?

Mrs. Hazard: ... the letter meant. Okay, I didn't know if it was just me.

Ms. Kirkman: No, it's... no.

Mrs. Hazard: The sentence says "the school division request, comma, with the exclusion of the small parcel of land designated as tot lot .18 acres the open space land is deeded to the school board". I had no idea what that meant, so I would need more clarification for what that meant. I mean, I think we're all talking about the same thing but I could not follow what that meant.

Mrs. Hornung: Right, with the exception of the parcel A, open-space parcel A, which I didn't get to, but that's going to have the tot lot and the swing sets and the amenities for the subdivision. But it has been discussed with Tricord and Mr. Horan of the school that if the school would want the open space deeded to them, Tricord would deed the open space parcel to them and then the School Board would have the maintenance responsibility of the pond provided that they would need it for their expansion at their school; if they were to have an expansion on the parcel in between the Brentsmill and the Shirley Heim School. And that will happen at the final platting stage. And so...

Ms. Kirkman: So the stormwater management facility will only be used for the school if the... because that's not clearly stated... if the school actually takes ownership of the pond. Because my

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concern is we've heard more than once we don't want a homeowner's association responsible for a stormwater management facility that is actually serving a different property.

Mrs. Hornung: Right. If the school were to need that pond, it would have to be expanded to compensate for the extra development on the parcel adjacent to the Brentsmill, in between Brentsmill and the existing school. So, if that were to happen, then the school would take ownership of it and would enlarge that pond to meet their demands and to take care of the water quality.

Ms. Kirkman: Yeah, I think the language needs to be clearer that the use of the stormwater management facility by the school is conditional upon the school taking over the stormwater management facility.

Mr. Howard: Yeah, that would clear it up, I think. Is there an existing Brentsmill HOA, because this is Section 3 of probably 2 other sections, right?

Mrs. Hornung: I believe so because there's a couple other sections.

Mr. Howard: Right. Mr. Fields?

Mr. Fields: Well, just in reference to the pond, I mean, again, I hope I didn't miss something. Has it been... I thought in general we were still attempting to use Low Impact Development design which generally precludes the use of those conventional storm ponds but, has that already been ruled out for this property or is that...?

Mrs. Hornung: This will be an extended dry pond and the stormwater engineer, they had reviewed this and that was the best type of stormwater facility for this site.

Mr. Fields: Okay.

Mr. Howard: Okay.

Mr. Fields: Thanks.

Mr. Howard: I think you were still going through your slides when we interrupted.

Mrs. Hornung: Computer please? I think we probably discussed most of it. The more important items were the open space; because of a cluster, it's a little bit different than a conventional subdivision. Also, that the cluster plan was approved February 14th and then the preliminary was submitted right after that and then it went to the March 23rd Technical Review Committee. And the VDOT and internal agencies were present and all those items were addressed. The roads are going to be built to VDOT standards to the secondary, state secondary SSAR access regulations and the... because many of the... much of the area of Stafford is in the suburban designation district for connectivity, the suburban connectivity quotient is 1.4 and with this section it is 1.5 so it exceeds the minimum requirement for SSAR. So it would be able to stand alone if they were to come in and take this section into the state system. Because that's one requirement for the SSAR that if you have sections of subdivisions, that each section, as it's being brought into the system, that it can stand on its own. But when they're developing it as such, the developer has a choice of, if it doesn't meet it to bring in additional roads from the other sections if that were to happen. But in this case this meets it so it

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would be able to... these two roads would be able to be taken into the system. And staff believes that this subdivision is in compliance with our Subdivision Ordinance. And if you have any questions, the applicant and the engineer are here to provide additional information more technically than I may be able to.

Mr. Howard: Are there any additional questions of staff?

Ms. Kirkman: Yes, I had one.

Mr. Howard: Okay, Ms. Kirkman?

Ms. Kirkman: I just wanted to check probably with Mr. Harvey rather than Mrs. Hornung and perhaps with (inaudible).

Mr. Howard: Mr. Harvey?

Ms. Kirkman: Has Section 22-271 of the Subdivision Ordinance been amended? I realized today, looking at this, this is my copy from 2008 when I first came on the Planning Commission. And I didn't know if that section has been amended during that time?

Mr. Harvey: Can you refresh my memory what section... what's the title of the section?

Ms. Kirkman: This is the section, Review and Approval of Cluster Subdivision Plans.

Mrs. Hornung: No it has not.

Mr. Harvey: I know that the cluster subdivision plan provisions I don't believe have been changed.

Ms. Kirkman: So, my question is then it seems that this application before us, at least my understanding of this section and this is where we may need to hear from the attorney, is that this subdivision plan is before us prematurely. Because this section lays out that actually the process is, first the applicant confers with the County Administrator on a concept plan and then the applicant shall then confer with the Planning Commission to discuss the appropriateness of the plan. The Planning Commission shall either approve, approve with conditions, or deny the proposed plan and open space provisions. And this is all regarding the concept plan. So, it appears it's actually the Planning Commission that has to approve or deny, not the County Administrator. And that it's only after the Planning Commission has approved the concept plan that then a subdivision plan is submitted. That seems to be how this section is worded.

Mr. Harvey: Yes, that is correct Ms. Kirkman.

Mr. Howard: Are you on 22-271?

Ms. Kirkman: Yes I am.

Mr. Harvey: Yes, subsection 1. That section of the code has not been changed to match up with state code. State code specifies that cluster developments are considered to be a by-right project and a staff review only.

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Ms. Kirkman: So, where does this leave us?

Mr. Fields: It's orphaned by the Dillon Rule.

Mr. Howard: Right; the state would prevail I believe.

Mr. Fields: The state prevails at that point. So it negates... the state ordinance would negate our ordinance.

Ms. Kirkman: Alright; I just wanted to get clarification on that please. Then, was there a... this is for staff... was there a perennial... there's wetlands on the property but I didn't see any RPA and I noticed there's a reference on the notes that all areas determined to be within the CRPA won't be disturbed. Has there been a perennial flow done on this property?

Mrs. Hornung: Yes ma'am.

Ms. Kirkman: Okay. And then, what is the... so the requirements that these open space requirements are... you really have to wade through them, and I notice the applicant has met the very narrow intent of the law by giving us the one acre with 50 foot, how is that acre accessed?

Mrs. Hornung: That will be accessed through the gravel access road that's coming off of Telegraph.

Ms. Kirkman: How will residents access it?

Mrs. Hornung: I think there was a foot trail?

Ms. Kirkman: Well, there's nothing on the plan.

Mrs. Hornung: There's none designated on here specifically. They do have access to the tot lot that's near... across from lot 1.

Ms. Kirkman: Right, but they're not using the tot lot to meet their requirements; they're using this one acre.

Mrs. Hornung: I believe it'll be at the time the HOA will develop it as the... as additional amenities. Maybe the engineer or the applicant can speak to that further.

Ms. Kirkman: Okay. And then... so the access to the stormwater management pond is a gravel road that goes to Telegraph?

Mrs. Hornung: That is correct.

Ms. Kirkman: Okay. Which... then how does that then fit in with the open space if it goes to the school and... this whole BOOTS thing is...

Mr. Howard: Yeah, that's interesting. Obviously we need to vet that; we need more information on it.

Ms. Kirkman: Yeah.

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Mr. Howard: But the gravel road... when the gravel road abuts Telegraph Road, how do you know that you really shouldn't turn down that path? I mean, how do you... why does the gravel road go to Telegraph Road?

Mrs. Hornung: That is mainly for the stormwater management pond access for maintenance and inspections.

Mr. Howard: So you cannot access it from any of the two new streets, I guess?

Mrs. Hornung: No, not at this time.

Mr. Howard: Naples Road or Warbler Court? Okay; so the only way there is to go through Telegraph Road.

Ms. Kirkman: And then one of the requirements is for the soil characteristics to be designated, and I was looking for that piece. So, there's specific requirements regarding soil classifications, depth of bedrock, depth of seasonal high water table, erodability, permeability, and shrink swell potential? And there are counties by the way, the sections of the county that do have shrink soil problems.

Mrs. Hornung: There's a soils map on sheet 2.

Ms. Kirkman: So there is some area here that has medium potential? I don't know what's the... I know at a certain point with the shrink swell you have to reinforce the foundation with some rebar and I don't know what the threshold for that is. And maybe the applicant can speak to that.

Mrs. Hornung: Well, if there's any shrink swell soil on the property, once they come in... the individual comes in for the building permit, that will be addressed at that time; that they will have to build it according to the shrink swell soil if it's on that parcel.

(Inaudible from audience.)

Ms. Kirkman: I only speak from personal experience. Watching the contractor on my house pour foundation and telling him... we'd already had the discussion about rebar and he didn't put it in... and I was like get to Home Depot fast. So, it can go through the process without getting in there and so I just want to...

Mr. Howard: Okay. I think we'll bring the applicant up and review some of these questions. I appreciate you waiting; it's been a long night. One of those things when you hear, Oh, we're only item number 7 on the agenda, it doesn't sound too bad.

Mr. Furnival: I'm Rick Furnival with Sullivan, Donohoe and Ingalls, and representing Tricord. And Tim Hall, my client, is here as well. I think we can both probably address some of the questions that have been raised.

Mr. Howard: Okay.

Mr. Furnival: Let's talk about the soils that just came up.

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Ms. Kirkman: Yeah.

Mr. Furnival: The soil maps that are shown on the plan are general maps. They're based on the older agricultural surveys of the County and they're pretty broad. We would have to do geotechnical testing for the building pads and the roads when the project is built. Those are just to give a general guide as to what you might find but the specific information will be determined with the construction plans. Let's see...

Ms. Kirkman: Access to the one acre lot?

Mr. Furnival: Access to the one acre lot is... obviously you can get down there through the... using that access to the stormwater management pond. It's not necessary that we provide access to it; it's mainly as a guide so that the area that's used for the clustering, the open space used to support the cluster, is not unusable land.

Ms. Kirkman: Well, you know, actually what the... let me just find that... what the ordinance says is open space shall, in general, be available for entry and use by the residents.

Mr. Furnival: Well, it's accessible. The open space parcel does come around to the public road. And it touches Naples and it also touches Telegraph Road, so it's accessible.

Ms. Kirkman: Right. But the residents are not going to go out Brentsmill Drive, around over to Tele...

Mr. Furnival: They don't have to; they can access it from Naples.

Ms. Kirkman: From Naples?

Mr. Furnival: Yes.

Mr. Howard: It's some of the parcel that fronts on Naples, is that right?

Mr. Furnival: Yes.

Mr. Howard: So they can walk on and off Naples.

Mr. Furnival: Yes sir.

Ms. Kirkman: But there's no path there, and you have to cross wetlands to get over to... What I'm saying is I believe that in order to meet the requirements around open space, you need to provide a viable entry point to what you're counting as your usable open space. And right now I don't see that because you've got this one entry point that you're pointing to, which I assume is that little... it looks like there's an area that's about, looking at the graphic scale, somewhere between 10 and 20 feet between lot 28 and the property line... and they would have to go through there, back behind the other ones and across wetlands and storm and drainage easements.

Mr. Furnival: Well, those wouldn't prevent anybody from walking over there.

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Ms. Kirkman: What, are they going to bushwhack their way through?

Mr. Rhodes: It works.

Mr. Furnival: It's not a... it's a wooded area; it's just a natural space.

Ms. Kirkman: So, can you put in a walking path or some kind of path so that it's easily accessed by the residents?

Mr. Furnival: That might be in conflict with the School Board's desire to use the parcel.

Mr. Howard: Well, we're not sure they can build on an open space anyway, so...

Mr. Furnival: Yes sir, but we were told...

Mr. Howard: Right, and I understand.

Mr. Furnival: ... through the process that we needed... and we have been working with the School Board and that's why we're where we are.

Mr. Howard: Right.

Mr. Furnival: Yes sir.

Mr. Howard: So, in the event that the School Board (inaudible) that they can't have that parcel to facilitate their BOOTS program, I think Ms. Kirkman's question is are you willing to put some type of path, even if it's a mulch path in the beginning, to allow you know the residents to have some access to that open space?

Mr. Hall: Good evening Mr. Chairman, my name is Tim Hall with Tricord. Nice to be here tonight. I guess we'd certainly consider it; however, I'd have to speak to our experience to trails and common area with several of our other developments that we've done.

Mr. Howard: Right.

Mr. Hall: They can be tough on a Homeowner's Association, especially a trail on a slope is hard to maintain with mulch. You know, maintenance for trails on slopes, the best that we've come across is asphalt. Anything short of that is a problem, it's a maintenance hardship for the HOA. That's our experience. Our intent with this open space is that it's... you know, when I was a kid, we played in the woods. You played around the woods, you played army. It's trees.

Mr. Howard: Right.

Mr. Hall: It's a nice sloped, wooded area... natural. You're not going to go throw a ball back there; you'd have to knock down trees, we'd have to grade some... that's not the intention. So I'm not going to mislead you that we'd be putting any kind of trail in that common area. You know, maybe the HOA could do it ultimately, you know, like colleges do. You see where a trail goes and maybe you do something to fortify that trail. But that's not our intention in this common area. It's wooded area.

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Mr. Howard: Okay.

Mr. Hall: Natural.

Mr. Howard: Any additional questions for the applicant?

Mr. Hall: And, again, also with regard to that, the conversation with the School Board was that they may be deeded the entire common area even if it was just to use the stormwater pond for future. So, I don't know if that would impact them for that use also. We're fine either way.

Mr. Howard: Right.

Mrs. Hazard: But then how's that going to square with the, you know, requirements of your HOA that are responsible for the stormwater management? That's all part of your HOA docs. I mean...

Mr. Hall: Sure.

Mrs. Hazard: ... it just doesn't seem as easy as it sounds. This is sort of new to me. I'm just a little uncomfortable with how that's playing out.

Mr. Hall: Sure. The thought to this point is that the HOA would be responsible; we would develop the site and they would be responsible for the pond until such time that the school were to do some sort of expansion, if and when they did do it, and then the school would maintain the pond and the HOA would contribute a pro rata share towards the maintenance of that pond on an annual basis... something to that effect. Obviously the details haven't been worked out, but that's what the talk has been.

Ms. Kirkman: And I had a question regarding your covenants. And you have this section here about limited common area and reserved common area. Could you explain why that's in here, what the purpose of it is, and how that pertains to the open space and the potential use of the open space?

Mr. Hall: I can explain that by it's probably from a previous subdivision, the form for the covenants. And hopefully our attorney is not watching this tonight and he probably didn't take that out of there. There's no difference between the open space for this development.

Ms. Kirkman: So there is no limited... there's no intent for a limited common area in this?

Mr. Hall: Correct.

Ms. Kirkman: So this needs to be corrected in the covenants because these are part of the application.

Mr. Hall: Yes, we'll have to modify the covenants. Again, those are draft covenants; we're going to have to... I mean, you can't finalize covenants until you know what kind of house is going on there, quite honestly. So we did the best we could at this stage of the development.

Mr. Howard: Okay, any other questions for the applicant?

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Ms. Kirkman: It's for the applicant or the attorney or planning staff, I'm not sure. This whole BOOTS thing...

Mr. Howard: Yeah, I think we need clarification on it.

Ms. Kirkman: But the other pieces in terms of if... and perhaps this particular cluster subdivision ordinance is a little bit screwy in terms of open space stuff... I'm not following how if they turn over the open space to someone else, how it meets the requirements.

Mr. Howard: Right. Mr. Harvey, do you have an answer? How would they still be meeting the cluster subdivision requirements if they turn over the open space to another entity?

Mr. Harvey: Yes, our Subdivision Ordinance for cluster subdivisions specifies that if they are to have common open space, that it be reviewed for if there are any public needs pursuant to our Comprehensive Plan. If so, then they could be offered up to the County for public use and it would not count against them for providing that public use. So that's part of the commentary that went on with the School Board as staff with regard to potential expansion of Shirley Heim Middle School grounds and the need for additional stormwater management features. If that is to work out, that could be accomplished and still comply with the ordinance. The BOOTS program may be a different issue that we have to look into. If all this land was conveyed to the School Board, and they were to convert it to a residential lot, that may conflict with the subdivision requirements. We'll have to look into that a little bit further.

Ms. Kirkman: Well, particularly because it's just a little bit over eight acres and they're required to have 7.69. So, to get a lot out of that, they would no longer have sufficient open space. So they're clearly... I guess part of the thing for staff to look at is what kind of restrictions could be written into the transfer.

Mrs. Hornung: Looking at Section 2 of 22-268, it says in cases where a given within a tract is needed by the County for a school site or other public use as determined and approved by the School Board, such land shall be deeded to the County at no cost for such purpose. Such site shall be given full credit in satisfying the open space regulations of the district. So they'd be given credit.

Mr. Howard: Which makes sense; we got that piece because Mr. Harvey touched on that a little bit. The issue is the BOOTS piece. If that ends up being a residential parcel and is later sold and no longer belonging to the Stafford County Schools, then all of a sudden that cluster subdivision is no longer in compliance with our Subdivision Ordinance.

Mrs. Hornung: Right. I'll get that information from Mr. Horan. But when we were discussing what their intentions were with the property, there was no discussion that they would subdivide that out for residential use; it would be for that program, for the vocational...

Ms. Kirkman: But that's what that program does.

Mr. Howard: The program we think builds a house and then sells it. And Ken Mitchell once told me you can put your boots in the oven, but that don't make them biscuits.

Mrs. Hornung: I like that.

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Ms. Kirkman: And then could staff or the engineer or the applicant or somebody clarify... looking at sheet 3 of 8... just how to read this. That dotted area around, that's sort of shaded, that's around the stormwater management pond, what does that dotted area represent?

Mr. Furnival: Let me look at a big one; I think I know what it is. If I may?

Mr. Howard: Yes sir.

Ms. Kirkman: Yes please.

Mr. Furnival: We were asked... we had a stormwater management plan which is I think sheet 7... we were asked to just graphically show the outline of the stormwater pond on the other sheet on the plan just so that people would know where it is. So that's what that is indicating; the details of the pond are shown on sheet 7.

Ms. Kirkman: Okay. So, that gives you sort of the outer limits when it's holding water.

Mr. Furnival: Well, it's really not intended to give you any details like that. It's just to say this is the general location of the pond relative to the development.

Ms. Kirkman: Okay.

Mr. Furnival: It's simply a picture, it's not... there's no analysis associated with that graphic.

Mr. Howard: And the low impact stormwater management approach... I'm sure this is just too small.

Mr. Furnival: Yes, it was evaluated and that's part of the requirements for doing this.

Mr. Howard: Right.

Mr. Furnival: We evaluated the project based on LID and it was not feasible.

Mr. Howard: Okay.

Mr. Furnival: Oh yes, and I would like to bring up an issue. During the course of the submission, neighbors in the other section of Brentsmill asked to meet... had made comment to the County that they had some drainage problems. And we went out onsite, the engineer and Tricord and the landowners and the County all met. We looked at the area and we determined there is a drainage problem and there's a significant amount of runoff that's coming down to the backs of these lots. With our development, that drainage area is going to be reduced probably ten-fold, and we're going to be redirecting that water to our stormwater pond and taking it away from those houses. So that should be a major benefit for them.

Mr. Howard: Okay, thank you. Any additional questions for the applicant?

Ms. Kirkman: It's a comment that I believe that our cluster subdivision ordinance is very clear that there needs to be access to and from the usable open space. And I don't know what the solution is. I would like you all to look at this because right now what you have proposed is that to get to the usable

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open space, somebody is going to have to go down a slope, through wetlands, through the stormwater management facility; so I really don't see that as a viable piece. And I would like you to take another look at that.

Mr. Howard: Okay. If you want to address it, you can; but I think she's really asking you to take another look at it.

Mr. Hall: I understand the comment and the concern. I guess for just having... the definition of usable open space, we were told that the purpose of that was so that you didn't have... you had to have one acre of... I guess my issue is with the word usable... you had to have one acre that didn't have any dimensions less than I believe 50 feet, so to keep you from having your open space made up of little strips throughout the subdivision. But that doesn't mean that that area has to be graded and cleared, and it's not really... it doesn't have to be usable I guess is (inaudible).

Ms. Kirkman: Actually it does. And that's what part of the definition (inaudible).

Mr. Furnival: Well, we're not going to solve that tonight, that's fine.

Mr. Howard: Okay. Any other questions for staff or the applicant? This is on our agenda under new business, so we can have a... entertain a motion to move it to unfinished business.

Ms. Kirkman: Sure. My motion is to defer this to the next meeting.

Mr. Fields: Second.

Ms. Kirkman: There's the whole school... the primary outstanding issues as I understand them at this point is first, something needs to be clarified with the schools about that from I think the general senses from the Planning Commission that this land cannot be used for building houses and then transferring ownership of those houses. The second issue is it somehow needs to be clearer in some of the documents somewhere that the school uses the stormwater management facility only after it has taken possession of the stormwater management facility. And then the third issue is the access to the open space.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: I'd just like to confirm with staff the way they interpret the definition there of usable. Is it that it should be functional and not strips, or that it's something that has to have an access path to it and folks in a pedestrian form can get to it?

Mr. Howard: Mr. Harvey, is there a typical and/or standard approach that you've used that can help clarify Mr. Rhodes' question? Or Mrs. Hornung, if she knows; I'm not sure who would know that but just thought Mr. Harvey might know that.

Mrs. Hornung: I have the definition from the cluster ordinance.

Mr. Harvey: That's what I was going to refer to as well, so please go ahead.

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Mrs. Hornung: "That open space within the boundaries of a given tract that is designed for recreational purposes and may include, but need not be limited to, such uses as ballfields, multipurpose courts, swimming pools, tennis courts, play lots and playgrounds, boating docks, walking, bicycle or bridle trails, and shuffleboard courts. Useable open space shall not include areas in easements under power lines, steep slopes greater than 15 percent, golf courses and stormwater ponds." That's our definition of usable open space.

Mr. Howard: So, it's a fairly broad...

Mrs. Hornung: That is correct.

Ms. Kirkman: But we do have, earlier in that section, under the very first paragraph where it does state "open space shall, in general, be available for entry and use by the residents or occupants of the development..." And it goes on to say there may be some limited areas for other uses.

Mr. Howard: Alright, so the motion on the table is to defer, it was seconded by Mr. Fields, and we're in discussion. So while we're in discussion, I think staff might need to come back you know at the next meeting when we take this up again with some...

Ms. Kirkman: Because it does seem there's some way they could get like an access path... create an access path between two of the lots or something so that people aren't sort of going around and through wetlands and through stormwater management facilities to get there.

Mr. Howard: Okay.

Mrs. Hornung: Now... understood. For parcel A they do have access to parcel A, and then a portion of parcel B runs adjacent to Naples Road from lot 28 to the intersection of the inner-parcel connection.

Mr. Howard: Yeah, parcel A has complete access, right?

Mrs. Hornung: Right.

Ms. Kirkman: Right.

Mrs. Hornung: So, you're looking for another access to other areas of parcel B.

Ms. Kirkman: Well, they have defined, in the plan, the one acre of usable open space which right now, the access that has been pointed out to us, is access that involves going down a slope, through wetlands, and through a stormwater management pond.

Mrs. Hornung: Okay.

Mr. Howard: Okay, any other comments while we're in discussion of the motion? Hearing none, I'll now call for the vote. All those in favor of deferring item number 7 which is SUB1100059, Brentsmill Section 3, Preliminary Cluster Subdivision Plan, to the October 5th meeting signify by saying aye.

Mr. Fields: Aye.

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Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you. It must be Ms. Ansong, item number 8; it has to be. That brings us to item number 8 on the agenda.

8. *Comprehensive Plan Amendment and Zoning Ordinance Amendment; Transfer of Development Rights (Time Limit: December 5, 2011)*

Mr. Harvey: Yes, Mr. Chairman, and item number 8 on the agenda is a new concept for the Planning Commission to consider. It's dealing with Transfer of Development Rights.

Ms. Ansong: Good evening Mr. Chairman and members of the Planning Commission. I stand before you tonight to discuss Transfer of Development Rights. Computer please. Transfer of Development Rights, also referred to as TDRs. A TDR is a process in which an owner of a parcel of land in a sending area may sell development rights in a sending area to another party such that the development right so conveyed are severed and extinguished from the sending property and may be exercised on a receiving property in addition to the development rights already in existence on the receiving property. This is a map for the TDR; it shows the sending and receiving areas. You can see that the sending area is outlined in blue. It kind of looks like the outline of the State of Virginia, you know, triangular like that in the blue. And there are two receiving areas; one is the Courthouse UDA and the second receiving area is the Brooke Station UDA. This is simply a flowchart, a TDR flowchart.

Mr. Howard: Ms. Ansong, could you just go back to that please?

Ms. Ansong: Yeah, sure.

Mr. Howard: And I know it's late; I'm not going to ask a ton of questions but...

Ms. Ansong: That's okay.

Mr. Howard: In the blue triangle area, that...

Ms. Ansong: Computer please.

Mr. Howard: ... the goal... so the goal is obviously there's existing residential development, right, on both those peninsulas, correct?

Ms. Ansong: On both, what, the peninsulas you said?

Mr. Howard: Yeah.

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Ms. Ansong: Yeah, there's a little...

Mr. Howard: So the goal of... I'm getting some dust in my mouth here, excuse me... the goal of this is to stop that development, future development...

Ms. Ansong: Exactly. Slow it down, exactly, and transfer it to the UDA sites; that's right.

Mr. Howard: To the sending areas, or receiving areas, which are 1 and 2.

Ms. Ansong: Exactly.

Mr. Howard: Okay, thank you.

Ms. Ansong: So this is a TDR flowchart which kind of shows the process in terms of how it would work if we established a TDR here in Stafford County. And first you'd have your landowner who would file an application to determine the number of development rights of the sending area. Once the number of development rights in a sending area was determined by the Director, then a TDR certificate would be issued to that landowner based on the number of development rights they had. Once the landowner has their TDR certificates, then those certificates can be given to a developer. In this situation, the certificates are given to a speculator and then they come in, get new TDR certificates, and then they sell those certificates to a developer. Once the developer buys the TDR certificates, which is basically the development rights, then he develops his property, comes back into the County to let us know so we issue him new TDR certificates. But once he uses the certificates on his land, basically on his receiving end, then he comes back to the County and we basically record that those TDR certificates of the development rights have been used in the receiving area. Here I have a definition for the sending area; sending areas are defined as those areas from which development rights are authorized to be severed and transferred to a receiving area or transferee without relation to any particular property. Here in Stafford County, the sending area is proposed to be located east of the CSX line, north of Potomac Creek and south of Aquia Creek. In order to qualify as a sending area, the property shall be (1) designated for agricultural, rural, or park land uses; (2) in terms of the sending areas, the sending area must be a separate parcel or contiguous parcels that are comprised of at least 20 acres or designated as park on the Land Use Map in the Comprehensive Plan. Also, as I showed you earlier, the sending areas are designated on the Transfer of Development Rights Map which should be in the Comprehensive Plan. And also, the sending areas are zoned A-1, Agricultural, or A-2 on the Zoning Map. Next we have the definition of the receiving area. The receiving areas are defined as areas authorized to receive development rights transferred from a sending area. The receiving areas are the Courthouse and Brooke Station UDA, Urban Development Areas. In order to qualify as a receiving area, the property shall be located in one of the following zoning districts, either A-1 or R-1. It shall be located within a receiving area on the Sending and Receiving Areas Map. It shall be located within the USA by the Comprehensive Plan, and it shall also be designated as part of a UDA by the Comprehensive Plan. And once again I have the map again just so we can see it again. So, once again you have the sending area outlined in the big blue area, and then we have two receiving areas, Courthouse and Brooke Station. So, tonight, what you have before you in the Ordinance O11-25 which amends the Zoning Ordinance to allow the TDR. And on September 6, 2011, the Board of Supervisors passed Resolution R11-194 and, in that Resolution, they referred to the Planning Commission this Ordinance and they propose that the Planning Commission review and provide recommendations regarding Ordinance O11-25. And they also propose that the Planning Commission review and provide recommendations on the Sending and Receiving Areas Map and a draft

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Comprehensive Plan Amendment to adopt the Sending and Receiving Areas Map and related updates to the plan text. The Planning Commission would have 90 days to conduct public hearings and make a final recommendation on the Ordinance and Comp Plan Amendment. In terms of Ordinance O11-25, the content of that ordinance establishes new zoning definitions. It designates A-1 and R-1 zoning districts as receiving zones. A-1 density will be increased to four dwelling units per acre and R-1 density can be increased to 12 dwelling units per acre. It creates new Table 3.2 to restrict certain uses in the TDR developments that may not be compatible with residential activities and to allow new dwelling types within those areas. It also establishes new minimum lot size and yard requirements. The general provisions for eligibility for the TDR, as I stated earlier, the sending property requirements, the land must be zoned A-1 or A-2 in designated areas, and either be 20 acres in size or designated as a park. In terms of the receiving areas, as I stated earlier, those areas shall be zoned A-1 or R-1 in the Brooke Station or Courthouse UDA. And the Ordinance also outlines the process which would be to require to certify the severance of development rights and it also discusses legal instruments used for the TDRs in terms of having certificates and deeds to record the TDRs that are occurring in Stafford County. The Ordinance also discusses the transfer process in terms of how the TDR process will work in Stafford County. And it also details the development approval procedures. Any questions?

Mr. Howard: Thank you Ms. Ansong. Any questions of staff?

Ms. Kirkman: Yes Mr. Chair.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Could you please explain the statement in the staff report, TDR would be a by-right activity; no rezoning would be required to achieve higher densities?

Mr. Howard: What page?

Ms. Kirkman: This is... page 2 of the staff report or the memo.

Mr. Howard: Right.

Mr. Harvey: Yes, Ms. Kirkman, the state law specifies that Transfer of Development Rights would be a by-right activity. There would be no rezoning required in order to effectuate the transfer of developments rights from one property to another. So, that being said, there would be no negotiation of proffers that you normally see with a rezoning, there would not be the normal public notice requirement for public hearings that you see with a rezoning. It would be indeed a by-right review. The public notice that someone would receive would be a notice to abutting owners about a filing of a preliminary subdivision plan which would come to the Planning Commission, or the filing of a notice about a site plan for, say, a multi-family apartment complex.

Ms. Kirkman: But here's what I don't understand, that the state statute may say that the transfer... the transfer is a by-right activity but that doesn't mean... I just don't understand how you can take A-1 Agricultural, which is one house per three acres, and that's the definition, and then through TDR and no rezoning now, have a property that has four houses per acre, without a rezoning. Because now you've created a nonconforming lot within the agricultural district.

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Mr. Harvey: Yes, and that's why in the Ordinance we've created Table 3.2 which has new standards for TDR developments. Specifically...

Ms. Kirkman: So, our agricultural land could now go to four houses per acre, by-right, with no public hearing process.

Mr. Howard: Only in the receiving area, right?

Ms. Kirkman: In the receiving area.

Mr. Harvey: That's correct; only in the receiving area, which are two of our designated Urban Development Areas.

Mr. Howard: And additionally, if in fact this zone change were to occur, we would advertise that and hopefully would those parcel owners today be notified that hey, there's a huge change that just occurred. If you're in the receiving area and you're a one... you now have gone from maybe it's one dwelling unit per acre, right, in the A-1?

Ms. Kirkman: No, it's one per three.

Mr. Howard: One per three in A-1... to four dwelling units per acre.

Mr. Harvey: And the residential zone would go from 1.5 to 12.

Mr. Howard: Right, 12 per three acres.

Mr. Harvey: That would be up to the Commission as far as the public hearing process of how you want us to do notice.

Mr. Howard: Right.

Mr. Harvey: Unless we do a zoning map amendment, there would be no requirement to notify any individual property owners. Right now the way it's structured, there is no... it's not proposed as a zoning map amendment because we're not creating a new zoning district. But we certainly can notify the people if that's the direction the Commission has when we go forward for the public hearing process.

Mr. Howard: Yeah, I think it would make sense. I think if you're in the receiving area 1 or 2, you really need to be notified by your local government that something huge could change.

Ms. Kirkman: And this Ordinance says... has an area in Aquia that's a sending area and the Brooke UDA and the Courthouse UDA as the receiving areas. But that could be changed through future amendments.

Mr. Harvey: Yes, that can be. The concept is in our Comprehensive Plan and in our Zoning Ordinance, so those could be amended at any time in the future. The Board, when it referred this to the Commission, took into consideration a larger proposal that came out of a joint committee of the Board

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and the Planning Commission, but decided that it wanted to start with a smaller approach, with more of a focused pilot project. But it could be expanded later on at some future date.

Ms. Kirkman: In fact, I seem to remember seeing a map at some point that I think had most or all of the Urban Services Area designated as a receiving area?

Mr. Harvey: The previous proposal that came out of the joint committee had the receiving areas being various UDAs in the County, Urban Development Areas. The sending areas were the rural areas outside the Urban Service Area, plus there was some overlap inside the Urban Service Area. If it was a property inside the Military Impact Area, they could transfer those development rights to the Urban Development Areas.

Ms. Kirkman: Could we get a copy of the state statute regarding this?

Mr. Harvey: Certainly; we'll provide that to the Commission. Also...

Ms. Kirkman: And I guess, specifically, what I'd like to hear from our attorney is I understand the transfer mechanism appears to say you can't tie it to a... it's a by-right activity, but it does seem like there might be some way to separate that out as a separate activity from the development of the land.

Mr. Howard: So you can get us an answer on that, Ms. McClendon. Ms. Kirkman, can you just restate that?

Ms. Kirkman: But there's some way to separate the transfer mechanism from the actual zoning piece? So that you have...

Mr. Howard: On the receiving...

Ms. Kirkman: Yeah, on the receiving end. And then why is it... so, if these are going into the UDAs, and this is just a question for staff about the thinking on this legislation, if the receiving areas are UDAs and we've said that the P-TND is the zoning classification that we have right now that is most closely resembles the UDAs, why aren't we saying that the receiving areas are P-TND zoned?

Mr. Harvey: That's a very good question. And that's some of the debate that we had early on in this process. Based on the state code that... the state code also stipulates that you have to calculate the potential number of units that could be sent from the sending area and the receiving area has to by-right be able to accommodate the same number of units that can potentially be sent. So, as such, right now we don't have any P-TND zones in either one of those Urban Development Areas, so looking at the available zoning categories where we could locate residential development, in the Brooke area it's all A-1 zoned, so that's the only alternative for that UDA...

Ms. Kirkman: Except for why can't we... if we say it's P-TND they would have to come in and get the P-TND rezoning and then go through the transfer process.

Mr. Harvey: Yes, but in that situation... we talked about that.

Ms. Kirkman: Okay.

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Mr. Harvey: But the issue we ran into is we ran afoul of the requirement that when we adopt the ordinance then we have to be able to by-right, be able to accommodate those potential units that are being sent. So that's why we had to go with existing zoning categories that are available today in the Urban Development Areas.

Ms. Kirkman: Yeah, I think I need to see the state statute on it.

Mr. Howard: Okay. We'll look at the state statute, we'll get that. But before we go any further in discussion, is there a need... does the Planning Commission feel we can get this done by December 5th?

Ms. Kirkman: No.

Mr. Howard: Right, so we... first thing we ought to do is make a resolution to ask for more time, in my opinion. And then we can continue to request more information. Is that the...?

Ms. Kirkman: Well, actually, December 5th... we probably could.

(Inaudible).

Mr. Howard: Yeah, we have to have a public hearing.

(Inaudible).

Ms. Kirkman: Well, I think we should wait at least one meeting because if, in fact, what comes back is that this is absolutely the only way it can be done, then there really aren't a lot of changes to be made.

Mr. Harvey: Mr. Chairman, may I make two points?

Mr. Howard: Yes sir... you always may.

Mr. Harvey: Number one, when the Board referred this to the Commission, they said you must hold a public hearing and make a recommendation on what we sent you. But they also gave the Commission latitude to come up with alternatives if the Commission so desired. So that could be something the Commission could initiate.

Mr. Howard: But we'd have to advertise the alternative.

Mr. Harvey: Yes, you'd have to advertise the alternative as well.

Mr. Howard: So that...

Mr. Harvey: So that's food for thought as we get into this. Also...

Ms. Kirkman: So the Board has said we must advertise what they sent us without any changes.

Mr. Harvey: There could be minor adjustments as necessary, but no significant changes to what they sent. You must have a public hearing on that Ordinance.

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Ms. Kirkman: So, that we can do by December 5th.

Mr. Howard: We can.

Mr. Harvey: And also, Mr. Chairman, Mr. Taves, who is our contract attorney, will be assisting the Commission on any legal questions that you have.

Mr. Howard: Okay. Maybe we should have him at the next meeting in case there's a need to either go in closed door or at least get some advice on some of the questions pertaining to the state regs. I'll defer to the will at this point. It's 10 to 12. So if everyone's good waiting two weeks to decide whether we need to ask for more time, I'm okay with that.

Ms. Kirkman: Yeah.

Mr. Howard: It seems like that's the will. So this would automatically move then to unfinished business, right, because we've addressed it and it's been spoken about and it'll show up under unfinished business.

Ms. Kirkman: And could we get a copy of the original map that was proposed?

Mr. Harvey: Yes.

Mr. Howard: Are there any other questions while we have Ms. Ansong here? I appreciate your waiting; hopefully you get to come in late tomorrow. Okay, thank you. Mr. Harvey, I know you had a... we had asked you for some information and you provided it in the Planning Director's Report which is item number 12. And that was information that we had requested about the VDOT's current thinking on the Interstate 95/Courthouse Road interchange.

PLANNING DIRECTOR'S REPORT

12. Interstate 95/Courthouse Road Interchange

Mr. Harvey: Yes, Mr. Chairman. VDOT had submitted four alternatives to the Federal Highway Administration for their interchange justification study which VDOT requires in order for us to upgrade this Courthouse Road interchange. The attachment in your staff report shows the preferred alignment that was sent to VDOT... I mean, excuse me, sent to the Federal Highway Administration by VDOT. I had discussions yesterday with some members of VDOT and advised them of the potential that the Commission may ask for them to come give a briefing on what's happening with the interchange. VDOT officials told me they're currently in negotiation with a vendor to provide engineering services to begin preliminary engineering. Because this project has not gotten to that stage yet they said it may take a month or two to secure that preliminary engineer on board, and then they can come up with some timelines for when they'll have the preliminary engineering complete and timelines for public hearings. So, I'd leave that open to the Commission as to when you may want VDOT to come forward and give you a briefing. And also in general there were some questions as to what the County had requested to be considered with the interchange project. I included previous Resolutions that had been adopted by the Board of Supervisors from 2007 and 2008. Some of the key things that were recommended from the Board were consideration of keeping the underpass under the existing interchange open, also maintaining an access point from Austin Ridge Drive to Courthouse

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Road close to its existing terminus, maintaining a north/south road between Route 1 and I-95 to help with the flow of traffic within the Courthouse area. Also, connect the new interchange access road to Route 1 south of Hospital Center Boulevard in the vicinity of Peake Lane, and consider their design elements for commuter lots within the overall design of the interchange. VDOT has incorporated a number of those alternatives, a number of those points and their various four alternatives; not all of them showed up in the preferred alternative. This preferred alternative shows that Courthouse Road would eventually be cul-de-saced near where the McDonald's is because there would be a loop that would potentially conflict with that through movement underneath the existing interstate. But they would keep pedestrian access open through the underpass that exists today over to Austin Ridge Drive. There is that north/south connector road which is shown as... known as Jason Mooney Drive which goes by the existing fire station on Courthouse Road which would connect to the interchange access road. And the interchange would end up locating opposite of Hospital Center Boulevard; that's what the concept currently shows. Austin Ridge Drive would be relocated a few hundred feet to the west of its current location to tie in with the ramps and where they come back in on Courthouse Road traffic going west. Again, I'd be happy to contact VDOT representatives and ask them to come to the Commission whenever the Commission so desires.

Mr. Howard: Yeah, I think we would like to have them here and have them do a presentation and provide some feedback in a formal setting. I'm just troubled with dead-ending Courthouse Road. I don't get that at all for a lot of reasons, but, in particular, when you're keeping the overpass intact. I'm not sure... you know, eliminating the left turns and the on ramps and the off ramps makes it actually a nicer road to travel on

Ms. Kirkman: Right.

Mr. Howard: It's a very good east/west road and really I feel... I don't know how the other Commissioners feel... but it should remain intact. It doesn't really... I don't think it serves the good of all of Stafford to do that.

Ms. Kirkman: One of the things that would be helpful for me... I mean, this looks huge. I didn't realize how far the ramps extend and the extent of the impact on the area. And what would be helpful for me is the identification of another interchange that roughly spans this area, because I'm trying to think of some locally and I can't.

Mr. Howard: Oh, well Centreport is huge. Centreport, it just doesn't feel that way because there's not a lot out there but those ramps are ginormous.

Mr. Harvey: Yes, the Centreport interchange currently is only half built. They essentially built the diamond part of the interchange; there will be internal loops that they will build at some later phase as traffic demands picked up on the interchange.

Ms. Kirkman: If we could find some existing interchange, as just a reference point, that would be helpful... that's been fully built out.

Mr. Howard: Well, there's always the mixing bowl in Springfield.

Ms. Kirkman: Well, is it that big?

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Mr. Howard: No.

Ms. Kirkman: Because I was in a meeting early on where a VDOT engineer basically compared this project to the mixing bowl.

Mr. Howard: No, it's not that big.

Mr. Harvey: Yes, I do remember that reference Ms. Kirkman.

Ms. Kirkman: You do?

Mr. Harvey: That was in a previous iteration before they whittled it down to their four concepts...

Ms. Kirkman: Okay.

Mr. Harvey: ... that was the no constraints... money is no option and they had all kinds of multiple ramps...

Mr. Howard: We don't need a mixing bowl.

Mr. Harvey: ... but that got excluded pretty quickly.

Mr. Howard: We need help but not that much help.

Ms. Kirkman: But the comment did get made.

Mr. Harvey: Mr. Chairman, if I can continue with my...

Mr. Howard: Yes, please.

Mr. Harvey: ... Planning Director's Report, yesterday the Board of Supervisors approved the Fines Corner Substation CUP application, and they deferred action on the Telecommunications Plan for more clarification.

Mr. Hirons: Mr. Chairman, if I could ask... what was the reasoning for deferring the Telecom Plan?

Mr. Harvey: There was a number of questions with regard to the mapping that we had...

Mr. Howard: We need to... Caroline, I don't know if you can hear me but I think we need to pause and restart the meeting. I have to adjourn the meeting and then we're going to just continue. We're adjourning on the 21st and we are restarting the meeting on September 22nd at 12:01. Alright, thank you.

Mr. Harvey: Yes, Mr. Chairman, continuing on with the Planning Director's Report and discussion of the Telecommunications Plan, some of the Board members last night were dealing with the mapping because our map shows County-owned properties greater than five acres in size and there was a question about possibly having the map reflect all County-owned properties. There was questions as to why orient towers towards County-owned properties and one Board member had some concerns with

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that. There were also some questions about how much a consultant would possibly charge to view an application for the County for a telecom tower, so that's some research that staff will have to have. There was also another legal question asked as to whether the County can essentially create a monopoly and not allow towers on private property and require them all to be on public lands. So those are some of the key questions that came out from last night's meeting. And that concludes my report unless there are more questions.

Mr. Howard: In the telecom recommendations we said we would require a consultant to review?

Mr. Harvey: Yes.

Mr. Howard: Okay.

Mr. Rhodes: Paid for by the applicant.

Mr. Hiron: Yep.

Mr. Howard: Paid for by the applicant though, right?

Mr. Harvey: Yes.

Mr. Howard: Oh, they wanted to know how much it would cost the applicant?

Mr. Harvey: That's correct.

Mr. Howard: Oh, well, that's nice.

Ms. Kirkman: (Inaudible – microphone not on).

Mr. Howard: Why would we care?

Mr. Hiron: We never (inaudible) the idea of a monopoly on government only.

Mr. Howard: We don't ask the applicants how much it costs to get an AOSE.

Ms. Kirkman: Where did that come from? (Inaudible.)

Mr. Hiron: It was actually brought up; Mr. Fields may have brought it up during our discussion in the committee meetings actually. The reason the County's previous versions of Telecommunications Plans avoided even suggesting placing telecom facilities on government land is because someone thought, well, you're competing with the private sector. But I think during our discussion during the committee, we really determined well there's so much demand out there, we're really not going to mess with the...

Mr. Howard: It's a guide.

Mr. Fields: (Inaudible – microphone not on).

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Mr. Howard: Yeah, it gives them a greater access.

Ms. Kirkman: But where did the idea... I'm just not understanding where the idea that it creates a monopoly... They want to create a monopoly or they think the document does that?

Mr. Harvey: Ms. Kirkman, there was a question as to whether the County could; it was sort of a philosophical legal kind of question in that we could say all towers in the future have to be located on County-owned property.

Mr. Howard: Maybe it has to just be changed to should. But I think it's pretty simple. Ms. McClendon, any attorney's report?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: No report at this time Mr. Chairman.

Mr. Howard: Thank you Ms. McClendon. The meeting is now adjourned, thank you. Oh, before we adjourn, Mr. Mitchell...

Mr. Rhodes: We told you last week (inaudible).

Mr. Howard: Yes. We had to keep you here late, but do you have anything you want to say? I know you said a little bit when Mark was here.

Mr. Mitchell: Mr. Chairman, I say this honestly to my fellow Commissioners, it has been a pleasure serving with each one of you. We've had our differences, we've had our agreements, we've had it both ways. But I think the end result ended with a good end result. So, I want to thank each and every one of you, I want to thank the County staff, legal staff, everyone, Andrea, all the people, Mike... I could go on for 20 minutes but I want to thank the staff members and I had the privilege yesterday of telling someone that the Stafford County staff was the best staff in Northern Virginia. He was talking about Prince William and I said they can't hold a candle to our folks, and he was from Prince William. And I said, listen, I can tell you firsthand. So, anyway, I just wanted to thank each and every one of you. I will stay in touch, I'll be a phone call away, I'll be an email away, you know, and like I say, I really enjoyed by five years and nine months on this Board.

Mr. Howard: Well, we wish you well Mr. Mitchell and we thank you for your dedication and service to our County. And I'm sure you'll have a great life down in Texas, the longhorn state, and may your family come to know more happiness and love than your hearts can hold when you get down there. Okay, meeting's adjourned.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

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ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 12:07 a.m.